

SWORDS INTO PLOUGHSHARES:
The Struggle to Build an Ordered Community of Liberty
on the southeast Kansas Frontier
1867-1876

by
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Submitted to the Department of History
and the Faculty of the Graduate School
of the University of Kansas
in partial fulfillment of the requirements for the degree
of Doctor of Philosophy

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Date Defended: April 21,
2009

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on the southeast Kansas Frontier

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Dedication

This dissertation is dedicated to the thousands of Civil War veterans who immigrated to Southeast Kansas in the late 1860s and 70s.

Acknowledgments

Many graduate students will tell you that this part of the dissertation writing process is one of the most difficult – they are correct. Writing acknowledgements is hard. This is especially true for me. As I complete my dissertation I am 45 years old – I thus finding myself having a few more people to thank than most graduates!

I want to begin by acknowledging the critical role played by my dissertation director, Jonathan Earle. I remember the first time I met Professor Earle – I was finishing my Master's degree in Modern Russian and Eastern European history and was in the process of making a decision about what to do next. I was in the hall of the old history department wing and noticed that Professor Earle was in his office. With no appointment and really not knowing what I wanted to say, I quietly knocked on his door. His enthusiastic smile and warm welcome invited me in. His words of encouragement and guidance were deeply appreciated as was his ability to appreciate the unique circumstances facing a 40 year old father of four. Looking back of my years of dissertation research and writing, I realize that it is these same qualities that have provided me with the necessary strength to continue and finish this dissertation! Dr. Earle has been positive throughout the entire process, has been remarkably accommodating

of my situation, and has given me the freedom to pursue my research. He has steadily guided me and given of both his time and expertise.

I also want to publicly acknowledge the role played by other members of the KU History faculty. Professor Norman Saul has been steadfastly supportive of my scholarship. In fact, it was Professor Saul who first suggested that I consider Kansas history as a subject for serious academic research. Professor Saul has been both a mentor and an example of true scholarship and civic responsibility. Professor Luis Corteguera provided much needed encouragement at a point when I was ready to quit. Professor Theodore Wilson consistently has exercised himself on my behalf. I am in awe of his scholarship and humbled by his consideration of my needs. Professor Margaret Rausch of the Religious Studies Department was my first professor as a graduate student at KU. Her professionalism and her consistent support were crucial in helping me make a transition back into academia after many years. I want to thank Professor Kim Warren for her helpful comments and guidance. I also want to publicly acknowledge my debt to her scholarship. Professors Paul Kelton, Donald Worster, John Alexander, and Alexander Tsiovkh provided much needed insights into the study of history and much valued examples of true scholarship.

I would be remiss if I did not also recognize the important role played by colleagues and friends outside the history department. Professor Stephen Hasiotis has been a supreme example of true professionalism and educational excellence.

Vice-President Joe Burke of Labette Community College believed in me from the beginning and has always supported my attempts to pursue excellence as both a researcher and professor. I also wish to thank my colleagues at Labette who have, each in their own way, supported and encouraged me to do what I love best – learn and share the history of our great State.

Finally, I want to thank my four children: Nathan, David, Jacob, and Michaela! Thanks for believing in your father and for supporting him during the years of transition. It has been quite a ride – thanks for hanging on!!

Abstract

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This dissertation is a study of the settlement of southeast Kansas in the years immediately following the Civil War. It begins with the first settlers who arrived in 1867 and concludes with the triumph of the settlers in their struggle with the Railroads over land title in 1876. This story I have chosen to tell has not been studied by historians in detail. Although the territorial period in Kansas history has been the object of much scholarship as have the settlement patterns in northeastern, central and western Kansas, the history of the post-Civil War settlement of southeast Kansas has remained largely unstudied and thus unknown. It is my intention through this study to shake off the dust of scholarly inattention. In so doing, my dissertation contributes both to our knowledge of Kansas history and our understanding of the way in which Civil War veterans attempted to rebuild their lives and communities after the trauma of war.

My goal has to been not only to recover the “what” but also to comprehend (as much as I can from the vantage point of 2008) the “why.” The settlers discussed in this dissertation could have made other choices. Nearby Cherokee and Crawford counties erupted in violence as settlers took up arms to confront the railroad. The residents in these counties also fought each other, as

some settlers chose to settle with the railroads and some did. The violence and civic discord which followed earned this region the epithet of “the Kansas Balkans.” The citizens of Labette and Neosho counties however did not take this path. They did not quit but persevered in their struggle and managed to remain remarkably unified in their opposition to the railroad claims. To understand their choices, I have relied upon the insights of political, economic, cultural, and social historians. My intent has been to hear and understand the settlers’ own words and (as much I can) thoughts. This has required me to adopt a multi-disciplinary approach and has produced a dissertation that spreads out in several directions.

As I constructed the parameters for this study, I have of necessity drawn on a wide range of disciplines. My debts to scholars of Kansas history, women’s history, history of the American West, political history, social history, and Civil War history are obvious in the text. I have also benefited from the work of scholars outside the history field – especially those that have worked in the fields of communication and rhetoric, cultural geography (especially of Kansas), feminist theory, and the evolution of social capital. Finally, this work is heavily indebted to works that model the exploration of identity and identity formation.

Some dissertations are like rifle shots. They fly straight towards their target and are united by a singular theme. Dissertations like mine are more like shotgun bursts which head in a singular direction but spray out along the way.

My advisor, Professor Jonathan Earle, has suggested that there are two ways to write dissertations. The first is to begin with a central question and then pursue the answer to that question by seeking out the appropriate sources. The second follows a different course. It begins with a collection of sources and then seeks to determine a unifying question that will help to uncover their meaning. My dissertation is of the second variety. My journey began when I was appointed associate professor of history at Labette Community College in Parsons, Kansas. As I came to know my students, I discovered that many of them were the descendants of original settlers. To my surprise, these students knew little about the history of their families and/or communities. When I turned to find articles and/or books to use in bridging this gap, I found that hardly any (beyond a few local histories written by local residents) resources existed. This is the genesis of this dissertation.

The discovery process that attends every dissertation is rewarding for the scholar. This dissertation has been doubly so for me. I have come to understand my students better and have grown in my ability to teach them “from the past into the present.” In short, it has helped me become a better professor. I also believe that this dissertation will contribute to scholars’ knowledge of Kansas history and shed light on the important role fulfilled by Civil War veterans in the post-bellum settling of the Kansas frontier.

There are both limitations and benefits to choosing to concentrate research on a small group of people living in a small geographic region. Undoubtedly, the challenge is to connect the local contextualized story to the larger themes of both American and Kansas history. This is the “so what?” question which confronts every historian multiplied exponentially. Why should historians be interested in what happened in southeast Kansas between the years of 1867 and 1876?

My answer is as follows. First, I argue that, like politics, all history is (in its most basic form) local. The contextualized study of a small group of people over the course of 10 years in two counties of Kansas has yielded significant insights that, on their own, are valuable in and of themselves. Second, I argue that this study helps to “fill in” a gap in existing Kansas historiography. Again, this seems to me to be reason enough to justify this dissertation. But conscious of the fact that I state this as a transplant who suffers from what might be called “a convert’s zeal” for Kansas history, I also note the importance of including the history of southeast Kansas in the years immediately following the Civil War in the larger narrative of Kansas history. I say this first as an educator of educators in southeast Kansas. But I also believe, with Professor Bruce Kahler, that the post-Civil War age is just as important in framing the history of the state as is that of the Territorial period. My attempt in this dissertation is to contribute to the larger historical goal of recovering the ideals and contributions of Civil War veterans to the state. This leads me to my third justification for this dissertation:

the study of the effects of war is as important as the study of its causes. This is especially true of the Civil war. As one reviewer of an article submission that arose out of this dissertation commented, “the lingering effects of the Civil War still have plenty of room for additional studies.” Fourth, I would suggest that the work of historians who weave larger narratives involving large numbers of people, large geographic space, and long(er) periods of time depend upon the scholarship of historians, like me, who concentrate on small(er) contextualized communities.

There are many questions that my dissertation suggests but does not answer. My discovery that Union veterans in southeast Kansas fought the railroads relying upon the political perspective that engaged them as soldiers in the War against the rebellion, for example, raises important questions such as: Did these veterans frame their resistance to railroads differently than non-veterans? Did Union veterans utilize a different political rationale in their struggle against the railroads than Confederate veterans? Likewise, my emphasis on the importance of “rights” and “equality” in the writings and speeches of the settlers also leads to questions, especially because the doctrine of equal rights and of perfect equality before the law hardly found a berth of life in the Gilded Age. What was the gap between rhetoric and reality? Which set of republican values eventually came to prevail, and why? How long did veteran settlers throughout the West embrace any of their republican values?

Many of these questions are beyond the scope of this dissertation and thus remain unanswered in it. The comparative analysis required to answer them will depend on other scholars completing similar research in veteran-settled communities throughout Kansas and the West. My dissertation adds a contextual historical study to our understanding of the Civil War's impact on individuals and communities in Kansas. It is my hope that this dissertation will be an important part of a larger framework of interpretive analysis that seeks to both ask and answer fundamental questions suggested by the actions and beliefs of southeast Kansans in the 1860s and 70s.

Introduction

On April 13, 1876, the leading article in the *Chanute Tribune* proclaimed in bold letters: “TRIUMPH AT LAST!!” Other papers had similar headings. The *Parsons Eclipse* led with “Gloria in Excelsis!” The *Oswego Independent* proclaimed “Jubilate!” And the *Southern Kansas Advance*, not to be outdone by its competitors, announced, “The Hour of Triumph.”¹ Each article told the same story – the settler had triumphed! For the first time in the history of the American West, the Supreme Court had ruled against the railroads in favor of the settlers who could buy their land from the United States government at \$1.25 per acre.²

The *Chanute Times* reported, “The decision secures the homes of three thousand families. Three hundred guns have been fired, bells are ringing,

¹ *Chanute Times*, April 13, 1876; *Parsons Eclipse*, April 13, 1876; *Oswego Independent*, April 15, 1876 ; *Southern Kansas Advance*, April 13, 1876.

² Two cases were heard by the Supreme Court in its October 1875 session: *Leavenworth, Lawrence, and Galveston Railroad Company v. United States* (92 U. S. 733-760) and *Missouri, Kansas, and Texas Railway Company v. United States* (92 U. S. 760). The decision made by the Court in the first case controls the second. In both, the Court decided against the railroads in favor of the settlers.

bonfires are burning, and flags are flying.”³ Victory celebrations were held in every village, town and city throughout Labette and Neosho Counties as the settlers celebrated their success. Although the settlers’ chief concern had been the defense of their land, they believed that their victory had secured much more. The *Parsons Eclipse* explained, “The Osage Ceded Land case is one of the most remarkable instances where truth and equity has triumphed over fraud and wrong.”⁴

In his historical investigation of the land policy of the United States government in Kansas, Paul Gates argued that this Case “has significance not only for Kansas but also for the history of public land policy on a national scale.”⁵ Kansas historian Craig Miner has also noted that “of all the complex struggles between settlers and railroads for Indian lands in Kansas, with the government and the courts in the middle” it was the one that occurred in the Osage Ceded Lands that “achieved the greatest publicity and aroused the greatest public passion

³ *Chanute Times*, April 13, 1876.

⁴ *Parsons Eclipse*, April 13, 1876.

⁵ Paul Wallace Gates, *Fifty Million Acres: Conflicts over Kansas Land Policy, 1854-1890* (Norman and London: University of Oklahoma Press, 1997), 152.

at the time.”⁶ Furthermore, the victory of the settlers, as Miner asserted with William Unrau, “represent(s) a definite change of direction in the precedents set for the transfer of Indians lands in Kansas” and “did have an impact upon the later history of Indian Territory, where the pattern of railroad purchase of Indian reserves never obtained.”⁷ According to the database *Westlaw*, the Cases heard by the Supreme Court have been examined, cited, or discussed in 259 Supreme Court Cases, 2 Interior Board of Land Appeals decisions, and 5 U. S. Attorney General Opinions as well as 45 State Court decisions.⁸ Legal scholar Stephen

⁶ Craig Miner, *Kansas: the History of the Sunflower State, 1854-2000* (Lawrence, KS: University Press of Kansas, 2002), 111.

⁷ Craig Miner and William Unrau, *The End of Indian Kansas: A Study in Cultural Revolution, 1854-1871* (Lawrence, KS: University Press of Kansas, 1978, 1990), 131. See also Christine Klein, “Treaties of Conquest: Property Rights, Indian Treaties, and the Treaty of Guadalupe Hidalgo,” 26 *New Mexico Law Review* 201, 232-233.

⁸ Legal scholars have explored the import of these Cases in three primary areas: Native American-U.S. Government relations, Public Lands, and Statutory Legislation. See Carl Johnson, “Balancing Species Protection with Tribal Sovereignty: What does the Tribal Rights-Endangered Species Order Accomplish?” *Minnesota Law Review* (December, 1998), footnote 83; Michael

Williams likewise believed that these cases established at least 14 important legal precedents/principles.⁹

In spite of its historic importance and the testimony of these leading scholars, however, the story of the legal triumph and the long struggle of the settlers to attain it have yet to be told. It is my purpose to fill this gap in our knowledge of Kansas history and, in so doing, to give voice to the thousands of men, women and children whose refusal to give in to the demands of the railroads changed the course of American history.

In his essay, “America’s Golden Midcentury,” western historian Robert W. Johannsen argues that that “no real understanding of nineteenth-century

Newhouse, “Recognizing and Preserving Native American Treaty Usufructs in the Supreme Court: the Mille Lacs Case,” *Public Land and Resources Law Review* (2000), footnote 16; Blake Watson, “The Thrust and Parry of Federal Indian Law,” *University of Dayton Law Review* (Spring 1998); Carol Chomsky, “Unlocking the Mysteries of the Holy Trinity: Spirit, Letter, and History in Statutory Interpretation,” *Columbia Law Review* (May, 2000), footnote 195.

⁹ Stephen K. Williams, *Cases Argued and Decided in the Supreme Court of the United States October Terms, 1875-1876, in 23 Wallace, 91, 92, 193 U.S. with Others, Book 23, Lawyers’ Edition* (Rochester, NY: The Lawyers’ Cooperative Publishing Company, 1901), 870-876.

America can be achieved without at some point coming to grips with what the people of the time called the ‘spirit of the age.’” He recommends that historians engage in “a study of perception, of how Americans perceived themselves and the world around them, how they defined themselves in relation to their world and their time.” While noting that some scholars would label this approach as “hopelessly old-fashioned,” Johannsen insists that “the results are rewarding” even though the “effort” is “neither easy nor simple.”¹⁰

My research into the experience of southeast Kansan settlers validates Johannsen’s assertions. Like Hansel and Gretel’s father following discarded bread crumbs, I have sought to trace the behavior of southeast Kansas settlers through the 1860s and 70s by observing their words and actions. Even though these men and women were primarily focused on the intense struggle to survive in an unfamiliar clime, they left behind a rich collection of sources that have allowed me to enter into their lives and thoughts and by so doing come to understand how they perceived themselves and the world around them and how they defined themselves in relation to the world and their time. The fruits of this in-depth

¹⁰ Robert W. Johannsen, “America’s Golden Midcentury,” in *The Frontier, the Union, and Stephen A. Douglas* (Urbana and Chicago: University of Illinois Press, 1989), 288.

study have indeed been rewarding as I recovered a story of community struggle and triumph that has been all but lost to the historical record.

My account begins with the end of the Civil War as thousands of Union veterans looked towards Kansas as a place to make a new beginning. Many immigrated to the southeastern corner of the state. This has long been the ancestral winter home of the Osage Native peoples, but the Osage agreed in 1865 to vacate a portion of their land in exchange for governmental aid.¹¹ As this news spread, thousands of settlers arrived in southeast Kansas in anticipation of the transfer. The news of the sale also attracted the interest of railroad officials who had been scheming to connect land-locked northern cities with warm-water ports in Texas.¹² These railroads were also interested in providing transportation for the lucrative cattle trade between Texas and the upper Midwest. Southeast

¹¹ This portion of land became known as the “Osage Ceded Lands” and is the area currently encompassed by Labette and Neosho counties. This is the geographical region under discussion in this article. For a description of the Osage peoples and an analysis of their decision to cede their land in southeast Kansas, see James Christianson, “A Study of Osage History Prior to 1876” (Unpublished Ph.D. Dissertation, University of Kansas, 1969).

¹² See James Shortridge, *Cities on the Plains: The Evolution of Urban Kansas* (Lawrence, KS: University Press of Kansas, 2004), 118

Kansas was a strategic thoroughfare. Three railroads competed to control the Texas trade: the Leavenworth, Lawrence, Galveston (LLG), the Missouri, Kansas and Texas (the name assumed by the Union Pacific, Southern Branch, in March of 1870) and the Border tier from Kansas City owned and operated by railroad magnate, James Joy. Of these, two (the Missouri, Kansas, and Texas and the Leavenworth, Lawrence, Galveston) chose to lay their tracks through the Osage Ceded Lands.¹³ To fund their projects, both railroads chose to exercised their perceived right to land grants as they began to lay tracks through the region.¹⁴

From the beginning, settler attitudes towards railroads were complex. They recognized that by linking southeast Kansan farmers and entrepreneurial business men with eastern markets, the coming of the railroads could be an economic boon. They also understood the strategic importance of railroads to increased immigration. As a general rule, settlers were positive towards railroads in general. However, when the railroads chose to exercise their perceived right to land, the attitudes of the settlers hardened. The situation in Southeast Kansas was

¹³ The Border Tier chose to lay tracks directly south from Kansas City through the region known as the Cherokee Neutral Lands (present-day Crawford and Cherokee counties).

¹⁴ See Paul Wallace Gates, *Fifty Million Acres: Conflicts over Kansas Land Policy, 1854-1890* (Norman and London: University of Oklahoma Press, 1997).

especially precarious in that it was a narrow strip of land through which two railroads were building. If the railroad claims were allowed, almost 85% of the available land from the settlers would be removed from the register of public lands. Much of this land had already been settled and improved when the railroads exercised their rights in the early 1870s.

The coming of the railroads thus threatened not only the viability of their families and farms but also their independence and freedom. Settlers felt violated – they believed that the promises made to them by the government had been broken as a result of back-room deals by federal land officials and corrupt politicking. It was to this sense of community violation and the resultant lack of local control that southeast Kansan settlers responded aggressively. They banded together, formed Associations and Committees, and worked both locally and nationally to defend themselves and their rights in the halls of public opinion and the corridors of political power. Ultimately, their efforts were crowned with success when the Supreme Court ruled in their favor in the decision announced in 1876.

The Political Context of Settlement

To understand the actions of the settlers it has been necessary first of all to understand their political presuppositions. The roots of their story must be sought in the 1840s and 50s, when they came to age politically and began to form the

attitudes that would sustain them through the rest of their lives.¹⁵ Joel Sibley explains, “Whatever the Civil War did or did not do, the behavior of America’s leaders and its electorate remained rooted in other times and the values and ways of engaging in politics of those times. As the years passed, the memories of the war were to affect the political world more directly and powerfully. But even those events were always rooted in the continuing strength of the earlier forces still at play.”¹⁶ The Civil War was undeniably the central and defining event in their lives, but both their reasons for entering the War and their understanding of its significance afterwards were shaped by the beliefs they had absorbed during the pre-War years. As Earl Hess has written, “The war’s successful close reinforced the values of liberty ... as no other event did. It insured that continuity

¹⁵ See William E. Gienapp, “‘Politics Seem to Enter into Everything:’ Political Culture in the North, 1840-1860,” in Stephen E. Maizlish and John J. Kushma, editors, *Essays on Antebellum Politics, 1840-1860* (College Station, TX: Texas A & M University Press, 1982), 15.

¹⁶ Joel Sibley, “Conclusion,” in Lloyd E. Ambrosius, editor, *A Crisis of Republicanism: American Politics in the Civil War Era* (Lincoln, NE: University of Nebraska Press, 1990), 131.

would be the theme of popular ideology throughout the mid-nineteenth century: continuity of rhetoric, belief, and of self-image.”¹⁷

In the political world of nineteenth century Kansans, certain words were infused with special meaning. Single words or phrases connoted complex sets of values, creating a kind of conceptual shorthand readily understood by those who were speaking or writing as well as those in the intended audience. Familiar patterns of thought manifested the prevailing assumptions of the “speakers” and the particular problems that concerned them.¹⁸ For settlers in southeast Kansas, these key patterns revolved around the concepts of “liberty” and “freedom”. Thus as they expressed their hopes and defended their actions throughout their decade long struggle with the railroads, they consistently utilized a shared political language, in which key words functioned as a “political shorthand.”

¹⁷ Earl Hess, *Liberty, Virtue and Progress* (New York and London: New York University Press, 1988), 103.

¹⁸ My analysis follows the methodology employed by Daniel J. McInerney, *The Fortunate Heirs of Freedom: Abolition & Republican Thought* (Lincoln, NE: University of Nebraska Press, 1994) and Bernard Bailyn, “The Central Themes of the Revolution: An Interpretation”, in Stephen G. Kurtz and James H. Hutson, editors, *Essays on the American Revolution* (Chapel Hill, NC: University of North Carolina Press, 1973).

A good example is the headline “The Republic is in Danger” which appeared in the December 20, 1872 edition of the *Osage Mission Transcript*. For settlers, allowing monopolies like the railroads to control unlimited control of land, money, and power threatened to create a social order destined to follow the course of tyranny: i.e., the economic and political system fostered by the railroads bred habits and relations that generated moral vice, sanctioned concentrated power, thereby threatening the basis of liberty. As the *Transcript* explained, the railroads’ attempt to seize “the birthright of the people” was a first step leading towards the total subversion of “the ballot box” and the “corruption” of the Republic. Looking back to earlier examples of failed Republics, the editor reminded his readers of a time when “a vile, mercenary rabble” sold “their votes for bread and the theaters.” The end result of the current situation, he concluded, would also parallel that of ancient Rome unless the settlers stood together to oppose the “deep-seated treachery to our democracy” that was inspired by “a thirst for the downfall of liberty and the establishment of tyranny on this continent.”¹⁹

By reminding his readers of ancient Rome, and by repeating the words “corruption,” “tyranny,” and “liberty” the editor of this local paper was making essential connections between the current struggle in which the settlers were

¹⁹ *Osage Mission Transcript*, December 20, 1872.

engaged and the longer narrative of republican history. He argued that the critical problems that had been manifested in British tyranny and had re-emerged in the slave system were once more apparent in the plans of land-grabbing railroads. Thus, the future of the Republic was at stake in their struggle. The forces of subversion had altered their form but were waging a paradigmatic war against liberty. The confrontation with railroad monopolists was thus of a piece with the elemental struggle of free people against corruption and tyranny. In fighting the railroads, southeast Kansas settlers consequently were responding not just to the personal threat of losing their homes and farms but to a much larger perceived risk of losing the very Republic they had defended with their lives as soldiers in the Civil War.

By consistently framing their struggle in this manner, southeast Kansans convinced themselves that their campaign against the railroads was another defining moment in the nation's history. The *Parsons Eclipse*, a settlers' paper published in the 1870s, declared, "Such wide spread and universal distress never pervaded our country before as does ours at the present time. There is no mistaking the cause of it; the money-kings have a death-grip upon the throats of the people ... If the country would save itself they have no time to slumber but must be up and doing."²⁰ Another small newspaper published in a small Neosho

²⁰ *Parsons Eclipse*, August 5, 1875.

County town, the *Osage Mission Journal*, assured its readers that “two years will not pass before the organization of a great national party, having the cause of the people on the Osage ceded lands as one of the most prominent planks of its platform.”²¹

Settlers repeatedly insisted that the continued presence of railroad monopolies was inconsistent with the founding principles of the nation, arguing that if railroads were allowed to increase their power by seizing the property of ordinary citizens the principles by which the liberty of nation was maintained would be destroyed. Thus, by insisting that their cause was not new—that their campaign was an act of renovation rather than innovation—settlers believed they were reclaiming and re-establishing the ideals of freedom and liberty that had inspired their forefathers to wage war against the British in 1776 and their own involvement in the struggle against tyranny in the recently concluded Civil War.

Their sense of responsibility for the future of the Republic was intensified by their service as soldiers.²² According to Earl Hess, Civil War “veterans saw a

²¹ *Osage Mission Journal*, December 23, 1873.

²² According to geographer James Shortridge, Civil War veterans were “the dominant group” (both numerically and culturally) in the settlement of Labette and Neosho. See See James Shortridge, *Peopling the Plains: Who Settled Where in Frontier Kansas* (Lawrence: University Press of Kansas, 1995), chapter 2.

close relationship between their military and civilian lives. They had learned to be alert and vigilant in the army and they carried those traits home.”²³ Veteran soldiers in southeast Kansas were proud of their military service. The comments of John Hill, a wounded veteran who settled in Labette County after the War, are typical. As he explained in an open letter to his hometown paper, the *Oswego Independent*, “We are proud of those broad, ugly scars and deformities, they are indelible seals that we carry on our bodies of our fidelity and loyalty to our country.”²⁴

Even more importantly, in their minds their willingness to serve was a badge of honor that legitimized their struggle against the railroads. It was precisely because they had sacrificed so much to defeat the Rebellion that they were uniquely qualified to both discern the contemporary threat to the Republic and to defeat it. The Civil War was never far from their minds or pens. Milton Reynolds of the *Parsons Sun* boasted, “We freed the slave. We proclaimed freedom in all the land. The doctrine of equal rights, of perfect equality before the law, is enthroned and established.”²⁵ A similar argument was advanced by a group of settlers who gathered in Ft. Roach in December of 1868 to craft an open

²³ Hess, *Liberty, Virtue, and Progress*, 109.

²⁴ *Oswego Independent*, September 22, 1874.

²⁵ *Parsons Sun*, August 19, 1871.

petition to Congress opposing a proposed Treaty with the Osage (the “Sturges Treaty”).²⁶ Among the “reasons” given for their boldness in “call(ing) the attention of Congress to their condition, feelings and desires,” they emphasized their military service and the honor it bestowed upon them: “The great majority of us are soldiers, who have faithfully served our Government through her great trials and times of danger—many of us scarred and crippled—we feel that the government is indebted to us and our comrades in arms for her very existence and therefore we are entitled to a respectable hearing and consideration.”²⁷

Veterans felt a common bond – even though most settlers had come to southeast Kansas alone, they recognized a reciprocal willingness to sacrifice all for the sake of the Union and sought to build their communities on the basis of this shared commitment.²⁸ Service in the War was a key requirement for public

²⁶ See Miner, *Sunflower State*, 110-11; Gates, *Fifty Million Acres*, 197-99.

²⁷ As reported in the *Osage Mission Journal*, January 7, 1869.

²⁸ See Paul Cimbala and Randall Miller, editors, *Union Soldiers and the Northern Front: Wartime Experiences, Postwar Adjustments* (New York: Fordham University Press, 2002); Earl J. Hess, *The Union Soldier in battle: Enduring the Ordeal of Combat* (Lawrence, KS: University of Kansas Press, 1997); Reid Mitchell, *The Vacant Chair: The Northern Soldier Leaves Home* (New York: Oxford University Press, 1993); Maris A. Vinovskis, editor, *Toward*

service – and those who had not fought in the War were generally mistrusted. Military service was a badge of “right” character; “the willingness to offer life, health, and property as a possible sacrifice to the common good had become a test of dedication to liberty.”²⁹

Military service had also taught them the necessity of continual vigilance. Bernard Bailyn has shown “fear of a comprehensive conspiracy against liberty ... lay at the heart of the Revolutionary Movement.”³⁰ This fear and the attendant responsibility to be ever alert to the danger of a conspiratorial corruption was an essential part of the worldview of the veteran settlers; they believed it was their responsibility to defend the liberty they had so recently purchased with their blood.

In fact, the Civil War had reinvigorated their commitment to vigilance. As Michael Holt has argued, “Opposition to the Slave Power conspiracy provided a cathartic opportunity to restore to political activity its basic purpose, to regain a

a Social History of the American Civil War: Exploratory Essays (Cambridge, Eng.: Cambridge University Press, 1990).

²⁹ Hess, *Liberty, Virtue, and Progress*, 109.

³⁰ Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: The Belknap Press of Harvard University Press, 1967), xiii.

sense that vigilant citizens could save republican government.”³¹ William Gienapp likewise asserts that Union veterans were shaped by a “political culture” that emphasized “mass involvement and the widely shared belief in the necessity of safe-guarding the experiment of popular government.”³²

The numerous local newspapers of southeast Kansas, published in cities and towns throughout the late 1860s and 70s, insisted that settlers heed this call to battle. In laying down their arms, they could not relax their vigilance. The *Labette Sentinel*, published in the small town of Labette by a local farmer turned part-time newsman, cautioned its readers not to become complacent. Warning that “the yeomanry of our land” could be caught off-guard by “pursuing their honorable calling, improving our country, paying their assessments, and laying down their lives in defense of the nation’s honor,” the *Sentinel’s* editor argued strongly that “they should not neglect their own private rights and privileges.” The paper further asserted that, as veterans, the settlers had a special duty to defend the Republic against the foes of liberty—be they “rebels or railroads.” For, as the editorial declared, “when land sharks seek to devour them” and “monied monopolies endeavor to over power them” it was the bounden duty of

³¹ Michael Holt, *The Political Crisis of the 1850s* (New York: Wiley, 1978), 134-5.

³² William Gienapp, “Politics Seem to Enter Everything,” 66.

veteran farmers to “rise up in the might of their anger, defend their homes—their alters and their fires” by denouncing “corruption” and uniting to defeat “combined corporations and railroad kings.”³³

In southeast Kansas, this call to action reverberated in the speeches of local leaders, the editorial columns of small-town newspapers, and on the streets and alleys of their villages and towns. Settlers viewed the railroads as the embodiment of corruptive, conspiratorial, and passionate tyranny. They saw monopolies as another form of the arbitrary authority that had threatened liberty and freedom in earlier times. Each year, as the settlers gathered to commemorate the Fourth of July, they rehearsed (in both speech and ritual) the historical narrative of the nation’s struggle against tyranny.³⁴ Utilizing rhetorical skills honed in earlier battles with slavery, settlers relied on a “strategy of provocation through invocation, exhorting citizens to action by appealing to the familiar

³³ *Labette Sentinel*, December 15, 1870.

³⁴ For two perspectives on the important political and cultural implications of 4th of July festivals, see David Waldstreicher, *In the Midst of Perpetual Fetes: the Making of American Nationalism, 1776-1820* (Chapel Hill, NC: University of North Carolina Press, 1997) and Simon Newman, *Parades and the Politics of the Street: Festive Culture in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 1997).

values of the republic.”³⁵ They worried about the corrosive effects of power; they believed that tyranny was a direct result of the abuse of power. And they self-consciously cast themselves as ardent defenders of the Republic waging war against the corruption and tyranny by envisioning a transformation of the way in which the nation was governed.

The Social Context of Settlement

Many veteran settlers struggled to reconcile the central tenets of their political beliefs with the reality of their economic situation. Undoubtedly, this too was a cultural inheritance brought with them from the 1840s and 50s. Historian William Barney notes: “Throughout the nineteenth century, Americans engaged in an ongoing debate over how best to reconcile the emerging market society with their political culture of republicanism.”³⁶ What made the effort so difficult was that in the everyday experience of the settlers, commerce and corruption seemed to go hand in hand. It appeared that personal sacrifice and community service (the hallmark of authentic Republican societies) were in danger of being overcome by the avarice and greed that followed in the train of commerce.

³⁵ Daniel J. McInerney, *Fortunate Heirs*, 151.

³⁶ William L. Barney, *The Passage of the Republic: An Interdisciplinary History of Nineteenth Century America* (Lexington, MA: D. C. Heath, 1987), 1.

Kansas Governor Charles Robinson, in a speech to southeast Kansas settlers gathered in Erie on July 19th, 1873, expressed this fear directly by reminding his hearers of a glorious Republican past when “the blood of the nation was warmed by the fire of stern necessity” and “iron men, with sterling integrity, were sent to the front.” However, according to Robinson’s lament, “that time and those men have passed into history.” The danger confronting Kansans today, he concluded, was that “the fires of Avarice are burning with intense heat, and Mammon is the god of the nation.”³⁷

Republicans of the eighteenth century had argued that the best safeguard to the abuse of power was the virtue of the people. As historian Ruth Bloch has observed, “Throughout the Revolutionary period, virtue was the most valued quality defining individual commitment to the Republican cause.”³⁸ They had also believed that prosperity constituted one of the most serious threats to virtue.³⁹ These beliefs were challenged by the emergence of what Charles Sellers has

³⁷ *Osage Mission Transcript*, August 1, 1873.

³⁸ Ruth H. Bloch, “The Gendered Meaning of Virtue in Revolutionary America,” *Signs*, Vol. 13, No. 1 (1987), 41.

³⁹ See Drew McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (Chapel Hill, NC: University of North Carolina Press, 1980), 67-70.

called “the market revolution.”⁴⁰ The growth of market capitalism, (“an evolutionary process with deep roots in the colonial past”) was a conspicuous feature of American life in the 19th century.⁴¹ The prosperity motive that had been viewed with such alarm by traditional republican thought was gradually accepted as both normative (for the individual) and necessary (for the nation).

Acceptance of this compromise, however, was troublesome to settlers in southeast Kansas. The promise of markets for their agricultural goods, increased immigration, and rising land values quickened the pulse of many. They understood the central role of the railroads in the fulfillment of their hopes; at times, they could even be eager to outdo other villages and towns in their efforts to “court” the railroads to their locale by pledging bonds and other financial incentives. Yet, even in their most exuberant expressions of hope, doubts persisted. As John Horner, former President of Baker College in Baldwin City and first superintendent of schools in Labette County explained in a column in his newspaper, the *Chetopa Advance* -- corruption inevitably followed the path laid

⁴⁰ See Charles G. Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York: Oxford University Press, 1991).

⁴¹ Morton Keller, *America’s Three Regimes: A New Political History* (New York: Oxford University Press, 2007), 69.

down by railroad tracks. “These facts are simply appalling,” he asserted before listing a litany of evils brought by railroads: “The public schools are robbed ... Senators are bought like oxen ... The homes of the hardy pioneers are relentlessly wrested from them.” All of these evils, he stated, could be attributed to the “rapacious monopolist” and “soulless corporations.”⁴²

In his analysis of the Grange movement, Sven Nordin has argued that post-Civil War farmers “were torn by two contradictory forces—Jeffersonian agrarianism and a new industrial urbanism.”⁴³ As the corporation emerged as the dominant form of economic organization, corporate industrial capitalism dissolved old foundations of power and status and created new ones.⁴⁴ The livelihood and self-reliance of small farmers became more precarious and increasingly dependent upon wage labor while the existing moneyed aristocracy, both mercantile and agrarian, discovered that their traditional bases of power (i.e., kinship and participation in civic, political, and religious organizations) were gradually being supplanted by the power of the purse. In short, the settlers

⁴² *Chetopa Advance*, February 17, 1869

⁴³ Sven D. Nordin, *Rich Harvest: A History of the Grange, 1867-1900* (Jackson, MI: University Press of Mississippi, 1974), 3.

⁴⁴ See Alan Trachtenberg, *The Incorporation of America: Culture and Society in the Gilded Age* (New York: Hill and Wang, 1982).

experienced the “new order” as a “force from outside.”⁴⁵ Thus, in their fight against railroads settlers reacted not only to the existential challenge to their land but also to a perceived threat to the social order they were attempting to construct.

A critical part of this social order was the correct place of women in a properly ordered society. Once again, this was not new to post-bellum America but was rooted in past experiences. Politics and gender were intertwined in early America. Ruth Bloch has argued that “conceptions of sexual difference underlay some of the most basic premises of the Revolution and shaped important ideological changes in the early Republic.”⁴⁶ Women’s historian Barbara Welter declared that patriarchy was merged so tightly with the prevailing republican ideology in the early American Republic that “if anyone, male or female, dared to tamper with the complex of virtues that made up True Womanhood he was damned immediately as the enemy of God, of civilization, and of the Republic.”⁴⁷

⁴⁵ Jane Adams, [“1870s Agrarian Activism in Southern Illinois: Mediator between Two Eras,”](#) *Social Science History*, Vol. 16, No. 3 (1992), 370.

⁴⁶ Ruth M. Block, “The Gendered Meaning of Virtue in Revolutionary America,” *Signs*, 13 (August 1987), 37.

⁴⁷ Barbara Welter, “The Cult of True Womanhood: 1820-1860,” *American Quarterly* 18 (Summer 1966), 152.

In the years between the Revolution and the Civil War, the gendered meaning of virtue and its implications for the political life of the nation were contested as a role for “Republican mothers” was constructed.⁴⁸ However, even as society debated the proper function of women within a “Republican America,” they all agreed that “a woman belonged in the home.”⁴⁹ Thus, the ideal of

⁴⁸ See Linda K. Kerber, *Women of the Republic: Intellect & Ideology in Revolutionary America* (New York and London: W. W. Norton & Company, 1980); Mary Beth Norton, *Liberty's Daughters: The Revolutionary Experience of American Women, 1750-1800* (Boston, MA: Little, Brown, 1980) and *Founding Mothers & Fathers: Gendered Power and the Forming of American Society* (New York: Alfred A. Knopf, 1996); Rosemarie Zaggari, “The Rights of Man and Woman in Post-Revolutionary America,” *William and Mary Quarterly*, 3rd series, 55 (1998), 203-230; Mary R. Ryan, *Women in Public: Between Banners and Ballots, 1820-1880* (Baltimore, MD: Johns Hopkins University Press, 1990); Elaine F. Crane, “Dependence in the Era of Independence: The Role of Women in a Republican Society,” in Jack P. Greene, editor, *The American Revolution: Its Character and Limits* (New York: New York University Press, 1987).

⁴⁹ See Nancy F. Cott, *The Bonds of Womanhood: Woman's Sphere in New England, 1790-1835* (New Haven, CT: Yale University Press, 1975); Daniel S. Smith, “Family Limitation, Sexual Control, and Domestic Feminism in Victorian

womanhood which developed in the late eighteenth and nineteenth centuries complemented an earlier republican image of an active virtuous male with that of an equally virtuous passive female. According to Paula Baker, woman, “selfless and sentimental, nurturing and pious,” was seen as “the perfect counterpoint” to man as aggressive and controlling.”⁵⁰ The Civil War reinforced and re-intensified these pre-existing gender constructions. The identification of masculinity and virtue was never more clearly demonstrated than in the role of man as soldier. As soldiers they were active – defending the nation against tyranny by taking up weapons and aggressively engaging in battle. In this way, as Michael Barton has

America,” in Mary Hartman and Lois W. Banner, eds., *Clio’s Consciousness Raised: New Perspectives on the History of Woman* (New York: Harper & Row, 1974). For a good review of the existing literature, see Linda Kerber, “Separate Spheres, Female Worlds, Woman’s Place: The Rhetoric of Women’s History,” *Journal of American History*, Vol. 75, No. 1 (1988), 9-39.

⁵⁰ Paula Baker, “The Domestication of Politics: Women and American Political Society, 1780-1920,” *The American Historical Review*, Vol. 89, No. 3 (1984), 620.

written, “Men had to be brave and assertive and work for a living, but women had to be submissive, gentle, and domestic.”⁵¹

This conceptual framework guided the work of the male leaders of the nascent southeast Kansas communities. Significantly, in the 1867 election, the male voters of Labette and Neosho Counties rejected the proposal to allow women to vote by a margin of nearly 3 to 1.⁵² It was the man’s responsibility to actively defend his home and hearth – to protect his wife and family. Women were important but they were to play a secondary, supportive role. As the *Neosho Valley Dispatch* instructed its readers, “Let the wife only understand and have faith in her true position—that of woman ‘the helper.’”⁵³

⁵¹ Michael Barton, *Goodmen: The Character of Civil War Soldiers* (University Park and London: The Pennsylvania State University Press, 1981), 73.

⁵² C. Robert Haywood has argued that the settlers who came to Kansas brought with them the cultural expectations of the East and were conservative in their approach to community building. See Robert C. Haywood, *Victorian West: Class & Culture in Kansas Cattle Towns* (Lawrence, KS: University Press of Kansas, 1991).

⁵³ *Neosho Valley Dispatch*, June 29, 1869.

To their dismay and consternation, however, the male settlers discovered that their patriarchal vision of an ordered community would not remain unchallenged. Men found themselves confounded by the physical environment of southeast Kansas as the prairie refused to accept demurely their assertions of manly domination. Male settlers also found themselves confronted by female settlers who refused to abide within the limitations foisted upon them by the male leaders of their communities.⁵⁴ An early correspondent to a small newspaper, the *Neosho County Dispatch*, signed herself “M.A.D.” as she exclaimed in an open letter to the community: “Women of Neosho! I want you to so rule your lives in your families, so improve your minds in regards to the past history of your country, and the whole world’s present condition that each husband and father, son and brother will think it the most useful hour of his life when he shall be

⁵⁴ See Glenda Riley, *The Female Frontier: A Comparative View of Women on the Prairie and the Plains* (Lawrence, KS: University of Kansas Press, 1988); Peggy Pascoe, “Western Women at the Cultural Crossroads,” in Patricia Nelson Limerick, Clyde A. Milner II, and Charles E. Rankin, editors, *Trails: Toward a New Western History* (Lawrence, KS: University Press of Kansas, 1991); Angel Kwolek-Folland, “The Elegant Dugout: Domesticity and Moveable Culture in the United States, 1870-1900,” in Rita Napier, editor, *Kansas and the West: New Perspectives* (Lawrence, KS: University of Kansas Press, 2003).

permitted to cast a vote that shall make you, at least so far as the human mind can see, one step higher.”⁵⁵

Another woman, who signed herself “Lady Labette,” remarked on her expectations in immigrating to Kansas: “We thought when we emigrated to Kansas that we would find a home in one spot on the globe where a woman was (for the first time since she was banished from Paradise) considered equal to the lords of creation.” To her dismay, she had discovered that her expectations were not to be realized: “But in that we were mistaken.” Lady Labette however notified the male leaders of the community that she (and the women for whom she spoke) would not be content to sit by and allow the men to continue their patriarchal domination unchecked: Strikingly, her strident stance was fueled by the same political language used by the men in their struggles against the railroads: “The women of Kansas, like all other States, have no more power to contend for the laws that are to govern her and her children than had the poor slave when he labored and lived to support his master in idleness and ease who rightfully had no authority over him.”⁵⁶

The ensuing struggle over the construction of gender in southeast Kansas must also be analyzed against the backdrop of the awesome power and kinetic

⁵⁵ *Neosho County Dispatch*, July 13, 1869.

⁵⁶ *Neosho Valley Eagle*, May 16, 1868.

energy of nineteenth century railroads. As Maury Klein has observed, “to 19th century Americans the locomotive was a wondrous machine ... Its raw power enchanted starry-eyed dreamers and hard-nosed businessmen alike.” It is thus little surprise that these same Americans found themselves fascinated by “the dramatic thrust of its presence upon bands of steel.”⁵⁷ The boundless energy, the raw phallic power, of the railroads both excited and frightened southeast Kansans.⁵⁸ The railroads promised prosperity, but to reap its rewards the settlers

⁵⁷ Maury Klein, *Unfinished Business: the Railroad in American Life* (Hanover and London: University Press of New England, 1994), 18-9.

⁵⁸ See James A. Ward, *Railroads and the Character of America, 1820-1887* (Knoxville, TN: The University of Tennessee Press, 1986); Sarah H. Gordon, *Passage to Union: How the Railroads Transformed American Life, 1829-1929* (Chicago, IL: Ivan R. Dee Publisher, Elephant Paperbacks, 1997); John R. Stilgoe, *Metropolitan Corridors: Railroads and the American Scene* (New Haven, CT: Yale University Press, 1983); William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: W. W. Norton, 1991); Robert F. Himmelberg, editor, *The Rise of Big Business and the Beginnings of Antitrust and Railroad Regulation, 1870-1900* (New York: Garland Publishing, 1994). The best and most comprehensive history of railroads in the United States is Albro

were forced to assume a dependent role. The “thrust” of the railroad threatened to rape them of the very land upon they claimed and to reveal to the world their impotence.⁵⁹

The Historical Context of Settlement

The struggle over land is a prominent feature of American history and a key component of historical research. This is especially true of historians of the American West who have often connected the desire of Euro-Americans for “free land” with the rising pulse of western settlement in the 19th century.⁶⁰ Of course,

Martin, *Railroads Triumphant: The Growth, Rejection, and Rebirth of a Vital American Force* (New York and London: Oxford University Press, 1992).

⁵⁹ See Scott Hahn, *The Roots of Southern Populism: Yeoman Farmers and the Transformation of the Georgia Upcountry, 1850-1890* (New York and Oxford: Oxford University Press, 1983); Scott Hahn and Jonathan Prude, editors, *The Countryside in an Age of Capitalist Transformation* (Chapel Hill, NC: University of North Carolina Press, 1985); Scott McNall, *The Road to Rebellion: Class Formation and Kansas Populism, 1865-1900* (Chicago, IL: University of Chicago Press, 1988).

⁶⁰ See Charles Brooks, *Frontier Settlement and Market Revolution: The Holland Land Purchase* (Ithaca, NY: Cornell University Press, 1996); Jamie

the land that these settlers desired was not “free” nor was it “virgin territory” but the ancestral homelands of America’s indigenous peoples. As Europeans colonized the territory and sought to claim the lands already possessed by the native peoples, only rarely did the land pass from the Natives to individuals. Instead, by exercising its right to make treaties, the transfer of land became an exclusive right of first the British Crown and/or colonial governments and finally the federal government of the United States.⁶¹ In each case, the State functioned as an intermediate custodian in the transfer of title to actual settlers.⁶²

Bronstein, *Land Reform and Working-Class Experience in Britain and America, 1800-1862* (Stanford, CA: Stanford University Press, 1999); Allan G. Bogue, *From Prairie to Corn Belt: Farming on the Illinois and Iowa Prairies in the Nineteenth Century* (Chicago: University of Chicago Press, 1963).

⁶¹ See Stuart Banner, *How the Indians Lost their Land: Law and Power on the Frontier* (Cambridge, MA: Belknap Press of Harvard University Press, 2005).

⁶² See Michael P. Dombeck, Christopher A. Wood, and Jack E. Williams, editors, *From Conquest to Conservation: Our Public Lands Legacy* (Washington, DC: Island Press, 2003); Reeve Huston, *Land and Freedom: Rural Society, Popular Protest, and Party Politics in Antebellum New York* (Oxford and New York: Oxford University Press, 2000).

Of special importance to this study of settlement in southeast Kansas was the policy of the federal government in making land grants to veterans. As James Oberly observes, the tradition of land grants for military service was a key factor in the post-Civil War expectations of veterans vis-à-vis their government.⁶³ This fact helps to explain the oft-repeated assertion of settlers that the land was their reward for military service and that their claims to it were worthy of special consideration – they were historically and culturally conditioned to associate cheap or free land with military service. As a group of settlers explained to the editor of the *Osage Mission Journal*, “The great majority of us are soldiers, who have faithfully served our Government through her great trials and times of danger—many of us scarred and crippled. We feel that the government is indebted to us and our comrades in arms for her very existence and therefore we are entitled to a respectable hearing and consideration.”⁶⁴

Congress did not, however, give all of the western lands it controlled to the veterans. Significantly, with the passing of the Public Debt Act in 1790, Congress envisioned the public lands as a resource to be sold in order to pay off

⁶³ James Oberly, *Sixty Million Acres: American Veterans and the Public Lands before the Civil War* (Kent, OH: The Kent State University Press, 1990), 158.

⁶⁴ *Osage Mission Journal*, January 7, 1869.

the massive debt it had accrued by fighting the British in the Revolutionary War. The use of public land sales as a method of raising much-needed funds, as Paul Gates has noted, featured prominently in the plans of nineteenth century social reformers; “aware that donations of land would be much easier to get from Congress than money,” they “brought forward many schemes for sharing the lands with the states for colleges, seminaries, and institutions for the care of the blind, the insane, and other unfortunates as well as for a host of miscellaneous purposes.”⁶⁵ Most of the land granted in this way went to schools – as the Land Ordinance of 1785 had mandated, the sixteenth section in every township was set aside for this purpose. Other grants were given for religion, for earthquake sufferers, for Polish exiles, for an asylum in Kentucky, etc. Thomas Donaldson estimated that over a thousand land grants for such purposes were administered by Congress in the antebellum period.⁶⁶

In the 1820s Congress added a third use to public lands policy when it began to experiment with the granting of alternative sections of land for

⁶⁵ Paul Gates, “Why We Retained the Federal Lands,” in Sterling Brubaker, editor, *Rethinking the Federal Lands* (Washington, DC: Resources for the Future, Inc., 1984), 38.

⁶⁶ Thomas C. Donaldson, *The Public Domain*, 209-13.

transportation purposes. Roads were first, followed by canals and railroads.⁶⁷ In the 1850s and 60s, as railroads became the primary mode of transportation, grants were made to the corporations that promised to build them. In southeast Kansas, land grants were made to the Lawrence, Leavenworth & Galveston and the Missouri, Kansas & Texas Railroads. These land grants were the primary source of the conflict between the settlers and the railroads.

The Geographical Context of Settlement

The idea of “southeast Kansas” can mean different things, depending on the context and circumstances. For the purposes of this work, the area under discussion is the region encompassed in the modern period by the political areas known as Labette and Neosho counties, an area approximately thirty by fifty miles. Originally home to the Osage indigenous peoples, the region was first officially organized as a political unit in the state of Kansas as Dorn County.

⁶⁷ See George R. Taylor, *Transportation Revolution, 1815-1860* (New York: Rinehart, 1951); Harry N. Scheiber, *Ohio Canal Era: A Case Study of Government and the Economy, 1820-1861* (Athens, OH: Ohio University Press, 1969); Paul Gates, “Nationalizing Influence of the Public Domain,” in *This Land is Ours: The Acquisition and Disposition of the Public Domain* (Indianapolis, IN: Indiana Historical Society, 1978), 102-26.

After the Civil War, it was renamed Neosho County and split into two (Neosho in the north and Labette in the south) in 1867. This region was known as the Osage Ceded Lands, and was the area in the State of Kansas first transferred to the United States government by the Osage indigenous peoples. It is this transference and the subsequent legal battle over land title that ensued that sets both the geographical and chronological boundaries for this dissertation.

Discussion of Chapters

Chapter 1 introduces the reader to the veteran settlers who came to southeast Kansas in the years following the Civil War. Since southeast Kansas was not “virgin” territory but instead the ancestral winter home of the Osage Native peoples, in this chapter I discuss the relationship which developed between the Osage peoples and the settlers. By the time the settlers arrived, the Osage had already entered into negotiations with the United States government for the sale of their land by the time the veterans arrived. Thus, contemporary accounts reveal that the relationship between settlers and natives was cordial and, at times, friendly. The conflict, from the very beginning, was with the railroads. Even though the railroads had not yet begun to lay tracks, the settlers were aware of their intentions. Chapter 1 therefore discusses the interpretive conceptual grid through which the settlers interpreted the threat of the railroads.

In chapter 2, I examine the initial development of social networks so essential to community organization. Unlike other areas in Kansas, the vast majority of settlers came on their own to southeast Kansas— with no pre-existing network of friends or family. Confronted with a hostile environment, unknown surroundings, and an uncertain legal framework, the chapter describes their efforts to form Vigilance Committees and Settlers' Clubs in an attempt to bring order to the perceived chaos. These Committees and Clubs initially functioned as extra-legal agencies that played an important early role in the creation of social capital.

Chapter 3 discusses the stabilization of social networks throughout the villages, towns, and cities. These networks created the institutional structure around which active opposition to the railroads formed. As settlers developed the infrastructure of their communities, the villages, towns and cities they had established assumed a permanent character. Chapter 3 highlights the significant role of religious institutions in the social evolution of southeast Kansas. As communities were founded and churches built, settlers were able to establish a network of relationships around which their struggles would ultimately coalesce.

In chapter 4 I discuss two challenges to communal unity that developed in the early 1870s. The emergence of the Liberal Republican party and its cooperation with a newly established Democratic party challenged the hegemony of the Republican party. Bound together both by their experience in the Civil War and by their struggle to survive the difficult first years of settlement, the

settlers had initially united in support of Republican office-seekers. However, by 1872, the settlers found themselves confronting new experiences and the unity which had been so painstakingly created was beginning to fray. At the heart of this struggle lay the question of the meaning of the Civil War. Was the struggle against the Rebellion the defining moment in their lives, or was that struggle one in a long series of struggles against tyranny and corruption? Was the past the determinate of their political allegiance or the future? Similar questions were forced upon the settlers by the emergence of strong-willed women who assumed leadership positions within the Temperance Movement. Was the active role being played by women consistent with their vision of lawful ordered communities? Settlers found themselves divided as both politics and gender were contested.

Chapter 5 discusses the impact of the railroads on settler society in the formation of a re-emergent unified social movement: the Settlers' Protective Association. This bi-County Association coordinated the settlers' opposition to the railroads. Confronted by large Corporations intent on denying them the land that they had developed, settlers put aside their differences in order to work together. Through a strategic use of public and private meetings, the Association successfully kept the settlers united and focused. Chapter 5 discusses the manner in which the Association skillfully utilized both public opinion and the legal system to challenge the claims of the railroads to their land. This legal battle was

ultimately successful and the chapter concludes with a description of the manner in which the settlers interpreted this victory.

I have chosen to end my dissertation with this legal victory. On a practical level, this is because all stories must have an ending and eventually research has to be concluded (if only for a time before it is begun again). However, on a more substantive level, the struggle against the railroads was a galvanizing force in the early years of settlement and every action and event within the nascent communities was framed by this effort. As this dissertation demonstrates, early settler society was characterized by a remarkable unity of purpose and resolve. The divisions that began to manifest themselves in the early 1870s were themselves transcended by the challenge of the railroads. Under attack, the settlers put aside their differences and re-united to wage a cohesive united war against the railroads. The victory of the settlers in 1876 brings the initial post-Civil War era to a close and is thus a fitting conclusion to the story this dissertation aims to tell.

A NOTE ABOUT SOURCES AND METHODOLOGY

In researching the story of the settlement of the southeast Kansas from 1867 to 1876, I relied on local newspapers published in Labette and Neosho Counties. My reasons for employing this methodology are two-fold. The first is practical – quite literally they are frequently the only sources available. All of the

documents related to this time period possessed by the Missouri, Kansas, and Texas and the Leavenworth, Lawrence, and Galveston Railroad companies were destroyed by fire in the first decades of the 20th century. (My investigations into the collections of the various railroad clubs and organizations associated with each railroad confirmed the lack of source material from this early period.) The Kansas State Historical Society possesses a small collection of private papers, letters, and documents from this time period that I have utilized, but as the reader will note, these are both small in number and fragmentary in content. I have visited each local historical society in Neosho and Labette counties to discover what “treasures” might be found in their archives. Unfortunately, with the exception of a few “early deeds,” one early log-cabin (at the Osage Mission Historical Society) and an interesting collection of early apothecary instruments (at the Chetopa Historical Society), I found no documents from the time period discussed in this dissertation. The library of Parsons does possess an interesting and informative photocopy of the papers of Robert S. Stevens, the first general manager of the Missouri, Kansas, and Texas Railroad Company, which I relied upon in chapter 5 to provide the perspective of the railroads. Thus, the paucity of additional primary source material forced me to rely heavily upon the writings of newspaper editors.⁶⁸

⁶⁸ Twenty-eight newspapers were published (for varying lengths of time)

between 1867 and 1876. The following papers were published in Neosho County:

Chanute Times (Chanute)

Erie Ishmaelite (Erie)

Thayer Headlight (Thayer)

Neosho County Dispatch (Erie)

Neosho County Journal (Osage Mission)

Neosho County Record (Erie)

Neosho Valley Eagle (Jacksonville)

New Chicago Times (New Chicago)

New Chicago Transcript (New Chicago)

Osage Mission Transcript (Osage Mission)

Osage Mission Journal (Osage Mission)

People's Advocate (Osage Mission)

Thayer Criterion (Thayer)

Tioga Herald (Tioga)

Weekly Anti-Monopolist (Osage Mission)

The following newspapers were published in Labette County:

Anti-Monopolist (Parsons)

Chetopa Advance (Chetopa)

Chetopa Herald (Chetopa)

More importantly, however, I have chosen to utilize newspapers in the construction of this story because I believe that they are essential sources that can be mined with great benefit. Today, when television and the world-wide web dominate cultural dialogue, it is sometimes difficult to remember a time when the newspaper was supreme or when a small community supported so many papers. Never was this truer than in the mid-19th century when, as Brayton Harris has noted, “intersecting technologies ... put newspapers at the forefront of social

Kansas Democrat (Oswego)

Labette Sentinel (Labette)

Oswego Independent (Oswego)

Oswego Register (Oswego)

Parsons Eclipse (Parsons)

Parsons Surprise (Parsons)

Parsons Weekly Herald (Parsons)

Parsons Sun (Parsons)

Western Enterprise (Parsons)

Southern Kansas Advance (Chetopa).

activity.”⁶⁹ In a day and age far removed from our own when large corporations own most news outlets, local editors operated frequently on their own reconnaissance and were often solely dependent upon the good graces of their local readership for their livelihood. As Craig Miner has remarked, “It is hard to fool local readers about yesterday’s events in their own town.”⁷⁰

Perhaps even more importantly, newspapers were an important intellectual and social “meeting place” for the local citizens. Historian David Dary explained the central role played by newspapers in the settlement of the western frontier by noting that small-town newspapers “reflected the total image of their towns and cities” by providing “community life with cohesion and direction and purpose.” The editors of local newspapers rebuked social ills and/or demanded social reform. In so doing, they were important in the establishment and preservation of “standards of public morals.” Because small-town editors were local men – often printing papers out of their living rooms and parlors on small printing presses that they had brought with them in wagons and/or on the backs of pack animals, they

⁶⁹ Brayton Harris, *Blue & Gray in Black & White* (Washington and London: Batsford Brassey Inc., 1999), ix. See also David Dary, *Red Blood & Black Ink: Journalism in the Old West* (Lawrence, KS: University Press of Kansas, 1998).

⁷⁰ Craig Miner, *Next Year Country: Dust to Dust in Western Kansas, 1890-1940* (Lawrence, KS: University Press of Kansas, 2006), xiii.

were in touch with their communities and became the voice through which local opinions were expressed. The pages of local newspapers thus provide “a written record of the lives of their communities.”⁷¹ Professional historians have sometimes neglected these newspaper sources. Historian Jeffrey Pasley argues that this is a mistake – instead, according to Pasley, “newspapers and their editors need to occupy a place in accounts ... as central as the role they actually played.”⁷² Although newspapers must be approached, as with any source, with care by historians, it is nevertheless true that they remain an invaluable source of information for Kansas historians. Indeed, they are indispensable to the telling of the story. This is especially true in the case of the settlement of southeast Kansas.

⁷¹ David Dary, *Red Blood*, 277.

⁷² Jeffrey L. Pasley, “*The Tyranny of Printers*” *Newspaper Politics in the Early American Republic* (Charlottesville and London: University of Virginia Press, 2001), 22.

Chapter 1: “Come to the Great West:” Veterans on the Osage Ceded Lands, 1866-70

In 1861, as the news of the firing upon Union troops in South Carolina spread throughout the old Northwest, a young Samuel Van Sandt hurried to enlist in the Second Michigan infantry. As he would later tell his grandchildren, it was the memory of his father that had inspired his decision.⁷³ As a soldier in Company D, Samuel fought in the battle of Bull Run, Yorktown on the Peninsula and was also engaged at Williamsburg, Frazier’s Farm, Savage Station and Malvern Hill. He took part in the campaign around Vicksburg and in the battle of Jackson, Mississippi before marching with his regiment back to Kentucky into East Tennessee where he fought in the battle of Knoxville. In the waning days of the war, his regiment joined the Army of the Potomac and participated in the victory march through the streets of Washington, D.C.

At the end of the war, Samuel Van Sandt returned to Indiana where his mother was living. Within months, however, he left Indiana for Iowa where he

⁷³ Samuel Van Sandt claimed that his father, John Van Sandt, was immortalized by Harriet Beecher Stowe in her novel, *Uncle Tom’s Cabin*. John had been active in the Underground Railroad and (according to Samuel) it was he who had sheltered “Eliza” when she crossed the Ohio River.

freighted goods for the government from Iowa to the Forts in Nebraska. In 1867, newly married, he purchased a team of horses and a prairie schooner and (with his young wife in the schooner and a few remaining dollars in his pocket) left Iowa to journey to southeast Kansas where he staked his claim on a farm in Neosho County (just outside the present day city of Chanute). In Neosho County, this frequent traveler who had marched across much of the old Northwest put down permanent roots, raised a family and worked with fellow veterans to build a permanent community. He lived in Chanute for over 50 years and when he died on August 19, 1920, he was buried with his fellow veterans in Elmwood Cemetery.⁷⁴

In this chapter, I argue that the settlement of southeast Kansas was shaped by the Civil War experience of the early settlers. The men who had fought bravely in the War against the forces of Rebellion came to southeast Kansas fervently committed to “freedom” and “liberty.” They were also deeply suspicious that the freedom they enjoyed was at risk and that it was their ongoing responsibility to defend it from the forces of corruption that had manifested themselves first in the British monarchy, then again in the slave aristocracy and were reappearing in the form of monopolies and corporations. They believed that preserving the rights of small landowners was critical to the preservation of

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<http://skyways.lib.ks.us/genweb/civilwar/Van%20Sandt.htm>

freedom and thus were willing to follow the call of their political leader, Representative Sidney Clarke, to wage political war against the Railroad companies who were intent on challenging the settlers' right to claim the land. Furthermore, I will argue that the settlers' view of the West as a land of freedom and opportunity was framed by their struggle with the Railroads.

Historians have identified three major waves of immigration to Kansas in the latter half of the 19th century. The first wave came with the passing of the Kansas-Nebraska Act in 1854 and the official opening of the Territory to settlement. These immigrants settled in the northeastern section of the state. A second wave came in the mid-1860s and early 1870s at the end of the Civil War and the sale of the remaining "Indian" lands. Most of these settlers took up their claims in the southeastern section of the state. The third wave came in the 1870s and 80s, when in response to massive recruitment efforts by both the State Board of Agriculture and representatives of the various (and competing) Railroad companies, thousands of immigrants flocked to the state from Europe. As is well known, these immigrants settled in the central and western sections of the state. Of these three immigrations, the first and the third have received much scholarly

attention.⁷⁵ With the exception of a few published articles in *Kansas History*, however, the second has been almost neglected.

Part of the reason for the neglect is that, unlike those who came in the first and third waves, settlers to southeast Kansas came by themselves—either as single young adults or as members of small family units. In the settlement of northeastern Kansas in the 1850s and the central and western sections of the state in the 1870s and 1880s, most (although not all) immigrants came in groups and established colonies that struggled to maintain (with varying degrees of success) their own internal social structure. Significantly, when people migrate as

⁷⁵ See Eleanor L. Turk, "Germans in Kansas. Review Essay", *Kansas History*, Vol. 28, No. 1 (2005), 44-71; Norman Saul, "The Migration of Russian-Germans to Kansas, *Kansas Historical Quarterly*, Vol. 40, No. 1 (1974), 38-62; Phillips G. Davies, ed. and trans., "Welsh Settlements in Kansas", *Kansas Historical Quarterly*, Vol. 43, No. 4 (1977), 448-469; Kenneth Marvin Hamilton, "The Origins and Early Promotion of Nicodemus: A Pre-Exodus, All- Black Town," *Kansas History*, Vol. 5, No. 4 (1982), 220-242; Don D. Rowlison, "An English Settlement in Sheridan County, Kansas: The Cottonwood Ranch," *Kansas History*, Vol. 12, No. 3 (1989), 160-165; Donald M. Douglas, "Forgotten Zions: Jewish Agricultural Colonies in Kansas in the 1880s," *Kansas History*, Vol. 16, No. 2 (1992), 108-119.

members of a larger group or community, they are able to pool both knowledge and resources in order to survive in their new locale. In the southeast, however, few “transplant” colonies were established. Indeed, as James Shortridge has noted in his analysis of frontier settlement patterns in Kansas, the southeast was distinguished both by “the near absence of formal or informal colonies” and by “the early, pervasive and individualistic presence of veterans.”⁷⁶

Samuel Van Sandt thus is but one example out of thousands of Union veterans who journeyed to the fertile lands of the Neosho Valley (present day Labette and Neosho counties) after the Civil War.⁷⁷ As was the case with Van Sandt, most came with little in their pockets; early settler C. E. Cory remembered in an address to the 28th annual meeting of the Kansas State Historical Society in 1903, “We were all poor alike.”⁷⁸ In 1870, John Horner, editor of the *Southern Kansas Advance*, remembered the early years when all were “poor in pocket.”⁷⁹

⁷⁶ James Shortridge, *Peopling the Plains*, 49.

⁷⁷ According to the Census reports, in 1865, 628 people resided in the region; by 1870 that number had swelled to 20,179.

⁷⁸ C. E. Cory, “The Osage Ceded Lands,” in George Martin, editor, *Transactions of the Kansas State Historical Society, 1903-1904, Vol. VIII* (Topeka: Geo. A. Clark Publishers, 1904), 192.

⁷⁹ *Southern Kansas Advance*, January 26, 1870.

Lacking money and political connections, veterans traveled with few possessions and even fewer friends. Because they were young, they immigrated without the established network of friends and acquaintances that age and maturity often bring. Yet, they came with a determination to build ordered, prosperous, and unified communities. As a founder of the new city of Jacksonville in Neosho County explained in an open letter to the readers of the *Osage Mission Journal*: “The great anxiety of our people is to build up a town in our midst where we can have school houses, churches, lyceums, in short all of the moral, social, educational and religious advantages incident to the progressive civilization of the age.”⁸⁰

The migration of these veteran settlers transformed southeast Kansas. A correspondent to the *Neosho Valley Eagle* in 1869 described the changes he had witnessed. “Two years ago it was a vast wilderness, with here and there a small cabin, the wild grass knee deep in the door yards and scarcely a cow pen built in the way of improvements,” he recalled. “But,” he continued, “I am happy to congratulate our friends here and elsewhere that large farms have been opened up and put under cultivation.”⁸¹ Horner of the *Southern Kansas Advance* recalled a similar transformation. “Where only six months ago nothing but the boundless

⁸⁰ *Osage Mission Journal*, September 10, 1868.

⁸¹ *Neosho Valley Eagle*, May 16, 1869.

expanse of prairie could be seen,” he told his readers, “you will now see the cabins of the settlers thickly spread about and the cattle quietly grazing on the rich grass which the country affords.” The *Western Enterprise*, published in Parsons, reported a similar renovation, noting that while southeast Kansas was “an unbroken wild, inhabited only by the savage dweller in his wigwam” in 1867, by 1872 it had become “a densely populated country, with highly cultivated farms, accompanied with all the improvements, arts and sciences of thrifty civilization at whose touch the deep, rich soil is made to yield its fruit, some sixty and some an hundred fold.”⁸²

Even though the *Enterprise* remembered southeast Kansas as a sparsely inhabited land, the reality that confronted the veteran soldier when he first arrived was not an “unbroken wild” but rather a land that had been settled for at least a century. It is true that the Neosho Valley was largely uninhabited by white settlers prior to 1865, but this did not make it “virgin” land. In fact, it was a vital part of the ancestral homeland of the Osage indigenous peoples who lived in villages along both the Neosho and Verdigris Rivers. A few “white men” had illegally settled on the northern end of their land before the Civil War but most had been removed by federal troops. The few that had remained were effectively chased off the land during the War as Confederate and Union troops alternatively

⁸² *Western Enterprise*, September 1872.

burned settlements to the ground.⁸³ A strong and independent people, the Osage had been adamant in opposing the whole-sale settlement of whites in their territory.⁸⁴ However, as the presence of white settlers in northeastern Kansas grew, the Osage found themselves increasingly pressured to negotiate a settlement with the federal government that would allow a portion of their land to be settled. Thus, in 1863 an initial treaty was signed, allowing the region known as the “Osage Ceded Lands” (an area approximately thirty by fifty miles comprising all of present day Neosho and Labette as well as small portions of Cherokee,

⁸³ Christianson, *Osage History*, 216-20. Cutler maintained that “that from 1860 to 1865 there were only two white men living within the limits of the county, during any part of this period, so effectually did the disorder produced by the Rebellion destroy the embryo settlements.” See William G. Cutler, *History of the State of Kansas* (Chicago: A. T. Andreas, 1883). Cutler’s *History* can be found online at <http://www.kancoll.org/books/cutler/labette/labette-co-p2.html>.

⁸⁴ James Christianson, “A Study of Osage History prior to 1876” (dissertation, University of Kansas, 1968), 210-216. See also John Joseph Matthews, *The Osages: Children of the Middle Waters* (Norman, OK: University of Oklahoma Press, 1961); Willard Rollings, *Unaffected by the Gospel: the Osage Resistance to the Christian Invasion, 1673-1906* (Albuquerque: University of New Mexico Press, 2004).

Crawford and Allen counties) to be transferred to the federal government.⁸⁵ The final form of the treaty was signed by the Osage at Fort Smith, Arkansas, in September 1865. The signed document was forwarded to President Andrew Johnson in 1866 who asked the Senate to ratify it. After ratification was confirmed, Johnson signed it into law on January 21, 1867.

As news of the negotiations spread, settlers began to flood onto the Osage Ceded Lands. An early immigrant, Stephen Beck, recalled his arrival in July of 1866, “We were passing Humboldt when the people were assembling there to celebrate the Fourth of July 1866 and to jointly celebrate the ratification of the Osage treaty.”⁸⁶ The geologist C. B. Wilber remarked, in his summary report to the Missouri legislature in 1870, of the “long trains of covered wagons” that were

⁸⁵ The remainder of the Osage land in Kansas, known as the Osage Diminished Reserves, was sold to the United States government in 1868.

⁸⁶ “Antecedents of Erie: An interview by W. W. Graves with Stephen C. Beck, June 23, 1932.” Kansas State Historical Society, Manuscript Archives, Neosho County.

“daily seen crossing the Missouri River, bearing south and west until they reach these promised lands.”⁸⁷

From the settlers’ accounts, the Osage were ambivalent to the presence of white settlers. Settlers reported occasional “sightings” of native peoples; early settler Margaret Plummer reminisced that “occasionally one stopped and asked for a drink, or a group or more, dressed as Americans, passed by.” She also added, “There was no fear of them.”⁸⁸ Francis Dinsmore agreed, “Indians were very peaceable ... (they) seldom bothered the settlers.”⁸⁹ The Mission School, run for girls by the Sisters of Loretto and for boys by the priests and lay brothers of the Osage Mission Church (Neosho County), admitted white children who attended alongside Osage children.⁹⁰ After agreeing to the terms of the treaty, Native peoples were open to the steady stream of settlers and peaceably accepted their presence in the Valley.⁹¹ When asked by an inquirer, “Are you properly protected from the assaults of the Indians?”, John Horner (of the *Chetopa*

⁸⁷ C. B. Wilber, *Mineral wealth of Missouri. Two lectures delivered in the Hall of representatives, at Jefferson City, Mo., February 17th and 18th, 1870*, in accordance with House resolutions (St. Louis: E. J. Crandall, 1870), 64.

⁸⁸ “Reminiscences” (*sic*) by Mrs. J. E. Plummer, 1931, 2-3. Kansas State Historical Society, Manuscript Archives, Neosho County.

⁸⁹ “Early Days” by F. M. Dinsmore, 1. Kansas State Historical Society, Manuscript Archives, Neosho County.

⁹⁰ Jacob Beechwood claimed to have been the first white child to attend the Mission school “among the Indians”. See “Jacob Beechwood’s Trip to Kansas,” Kansas State Historical Society, Manuscript Archives, Neosho County.

⁹¹ This was not the case of settlers who had illegally moved onto the Osage Diminished Reserves. See Christianson, *Osage History*, 227-35.

Advance) responded, “Eastward and northward there is not a hostile Indian for a thousand miles.”⁹² And, when news that a rumor was circulating in Ft. Scott about a recent “Indian attack” on the citizens of Chetopa, he responded with a quick and fervent denunciation: “We delight to assure these imaginative Bohemians that their bald heads are safe from the Tomahawk and so is Chetopa and her people. The ‘dreaded’ Osages are one hundred miles away on the Arkansas hunting buffalo.”⁹³

This is not to say that there was cultural understanding. Undeniably, incoming settlers brought with them the usual set of 19th century Anglo-American ethnocentric assumptions about the superiority of white civilization. They quite literally did not “see” the Native peoples or recognize them as legitimate settlers. The Osage always remained the savage “other” against which the civilized “us” was configured. Most would have agreed with Horner’s advice to the government: “Make citizens of the civilized Indians and control the wild ones by military force. Put them on reservations, train the young in schools, and compel the old ones to work or starve.”⁹⁴ And, they most certainly would have applauded Horner’s assertion that the “weak fabric” of indigenous “nationalities” could “not stand up against the march of Anglo-Saxon civilization.”⁹⁵

In short, settlers prided themselves on their cultural supremacy. One story in the *Neosho Valley Eagle* highlighted the perceived differences between the

⁹² *Chetopa Advance*, June 16, 1869.

⁹³ *Chetopa Advance*, December 29, 1869.

⁹⁴ *Chetopa Advance*, July 4, 1869.

⁹⁵ *Southern Kansas Advance*, August 3, 1870.

“savages” and the settlers by relating the following juicy gossip: “An enterprising Lo came into our town a few days ago and tried to persuade a prominent lawyer to go with him and be their legal advisor. The inducements offered were the speaker’s sister and ‘lots of whiskey, corn and them things.’ The legal gentleman ‘couldn’t see it.’”⁹⁶ To incoming settlers, the standard stereotypes prevailed. Native people were dirty, uneducated, prone to drunkenness, lazy, etc. As John Horner described the visit of a group of Osage people to Chetopa, he quipped, “they are not quite up to the type of aboriginal loveliness portrayed by Cooper in his Leather Stocking tales.” To Horner, the visitors were dirty and uncouth. “They ought to patronize Hayes and invest largely in his soap,” he remarked. “Those of the female persuasion are not charming. They wear no bonnets.”⁹⁷

Throughout their long history of interactions with whites, the Osage demonstrated their remarkable ability to use the prejudices of the whites to their economic advantage. They continued this tradition in dealing with the newly arriving settlers. Some Osage men, primarily Métis, hired themselves out as laborers to help the newly arriving settlers construct their first homes.⁹⁸ Others attempted to make some sort of profit by charging settlers “rent” and/or by

⁹⁶ *Neosho Valley Eagle*, January 2, 1869.

⁹⁷ *Chetopa Advance*, January 20, 1869.

⁹⁸ See “Jacob Beechwood’s Trip to Kansas.”

offering to “sell” them their lands. Still others attempted to sell and/or trade goods with settlers. In this last arrangement, settlers often found themselves outmaneuvered; as Dinsmore explained, “The Osages were great traders. One Indian would trade a pony or sell it to a settler for \$5 or \$6. In a few days, another Indian would come and claim it was his.”⁹⁹ Although Dinsmore does not explain how these scenarios were settled, there is no report of violent conflict between Native peoples and the incoming settlers. The lack of conflict was not due to restraint shown by settlers but must be attributed instead to the judicious conduct of the Osage who perceived that fighting the whites would not be to their advantage, economic or otherwise.

In truth, Osage men had not lost their ability to wage war, as evidenced by their continued success in hunting buffalo and chastising their Native adversaries. Rather, the Osage decided to continue their condition of trade and negotiated relationships with whites. That the Osage were crafty in these relationships, attempting to retain some degree of control over their own destinies by controlling the flow of information, is clearly manifested in Dinsmore’s comment that although “practically all of the Indians could read and speak English,” they “often would not talk or answer questions.”¹⁰⁰

⁹⁹ Dinsmore, “Early Days,” 1.

¹⁰⁰ Dinsmore, “Early Days,” 1.

The Osage also realized that it was in their best interest not to appear too docile or manageable; thus they routinely demonstrated their athletic prowess and physical strength within eye- and ear-shot of settlers. A classic example of this transpired on July 4, 1869 when sixty Osage braves danced in front of an awe-struck crowd in Osage Mission. Although this appearance had been carefully scripted after lengthy negotiations to emphasize the control that the white settlers had over the warlike behavior of the Osage, the Osage co-opted the celebration for their own purposes. The original contract had called for fifty braves; the Osage brought sixty. And, when the Osage Chief, Little Beaver, began to dance, he did so wearing the scalp of a Kiowa chief Black Kettle that had been taken at the Battle of Washita.¹⁰¹ The not-so subtle message sent was that the settlers

¹⁰¹ The story is reported in the *Osage Mission Journal*, June 24 and July 8, 1869. The *Neosho Valley Dispatch* reported a similar occurrence in its September 1, 1869 edition. A group of twenty Osage set up camp outside the city. After wandering through the city announcing their presence and inviting the residents to a “war-dance,” they proceeded to give a “demonstration” at five o’clock in the afternoon. As all of the residents of Erie gathered to witness the spectacle, six men beat drums while the rest of the Osage (the *Dispatch* reported that they were “hideously disfigured by paint and feathers”) danced around a central pole. While the dance was being conducted, the *Dispatch* noted, “Big Elk, the

should not mistake peace for weakness. Little Beaver also surprised the settlers by asking to speak; in his speech, he showed remarkable political acumen by linking the concerns of the Osage to that of the settlers. As the *Chetopa Advance* reported, “He took a still higher ground against monopolies than did Clarke and Hoyt, and opposed not only railroads but also saw mills, because they eat up the timber and the whistles scare away the buffalo.”¹⁰²

Even as individual relationships were being negotiated, however, both the settlers and the Osage knew the outcome was already determined: the Osage would leave and the settlers would stay. Of far greater concern to the early settlers therefore was the threat to their claims inherent in the declared intention of Railroad companies to build through southeast Kansas in their drive to connect the markets of the north with the warm-water ports of Texas. Rumors and premonitions that their claims might be disputed and/or denied circulated. In

gentleman in charge, sat himself down at ease with his honors, his eye proudly glancing at a Cheyenne scalp which ornamented a pole he had in his hands.” The display had its desired effect—for, after recording that the Osage had departed towards the Verdigris, the *Dispatch* concluded the story by expressing the sincere desire of Erie residents that “it is hoped they will remain (there) for some time to come.”

¹⁰² *Chetopa Advance*, July 14, 1869.

1868, as men, women and children were just beginning to pour into Neosho and Labette Counties, the *Allen County Courant*, published in Humboldt, warned the would-be settler that “something is terribly amiss in the settlement of these lands.” According to the paper, “Men went on to these lands with the full faith that after complying with certain regulations that had generally governed the settling all Government lands, heretofore, they would be given a title to their homes at one dollar and twenty-five cents per acre and under homestead. But they were woefully mistaken and are left in a greater quandary than ever. ... The whole procedure is wrong.”¹⁰³

To understand the reaction of the settlers in southeast Kansas, it is important to remember that, like Van Sandt, most of the men who came to southeast Kansas in the 1860s and 70s were veterans of the Civil War.¹⁰⁴ As the

¹⁰³ *Allen County Courant*, January 11, 1868.

¹⁰⁴ Although the Census reveals that some women immigrated by themselves and/or as heads of household, the vast majority of immigrating households were “headed” by men. For example, according to the 1870 Census, there were 516 more males than females in Labette County out of a total of 9976 residents. The evolving nature of the relationship between men and women in southeast Kansas and the important role played by women in the development of communities will be discussed in chapter 4.

Neosho Valley Eagle informed would-be immigrants, “The population is composed of energetic, enterprising men from almost every State in the Union. A large majority of the men served in the army during the great Rebellion.”¹⁰⁵ The *Neosho County Dispatch* likewise insisted that “four-fifths of the settlers in this and Labette counties are honorably discharged soldiers who, upon the termination of the war, came to Southern Kansas with the view of making it their future home.”¹⁰⁶ C. E. Cory, a prominent veteran and early settler, described the process by which the immigration had occurred. As he recalled, “They went to their old homes and gathered up their few possessions and brought their wives and babies with them to the new West. These were the people who really settled in southeast Kansas.”¹⁰⁷

¹⁰⁵ *Neosho Valley Eagle*, April 6, 1869.

¹⁰⁶ *Neosho County Dispatch*, September 22, 1869.

¹⁰⁷ C. E. Cory, “Osage Ceded Lands,” 188. See the comments of William Calderhead, “For forty years after the war closed the men who fought the battles for the preservation of the Union did the work of its civil life. In every school district the school board were old soldiers; in every township the township board was composed of old soldiers; in every county the county commissioners and most of the other officers were old soldiers” (“The Service of the Army in Civil Life after the War”, George Martin, editor, *Collections of the Kansas State*

Few veterans came directly to southeast Kansas upon their release from the military. Most went home first and tried to resume their old lives. However, finding it difficult (if not impossible) to reenter the society they had left, many felt drawn to the West. The historian Reid Mitchell argues that Civil War veterans “brought home whatever lessons might be learned from the war, whatever patriotism, brutality or cynicism it might have created, and whatever memories that might be self-consciously celebrated or half-unconsciously repressed.”¹⁰⁸ To cope, many soldiers moved on with their lives by moving west.¹⁰⁹ As Dean May

Historical Society, 1911-1912, Vol. XII. Topeka: State Printing Office, 1912, 17).

See also the work of John Jackson, who continues to discover graves of Civil War veterans in southeast Kansas and to post them at his website:

http://skyways.lib.ks.us/genweb/civilwar/civil_war_veterans.htm.

¹⁰⁸ Reid Mitchell, *Civil War Soldiers* (New York: Viking, 1988), 209.

¹⁰⁹ This is a phenomenon that has not been adequately noted by historians. Historian Larry Logue has argued, “Analysts of postbellum American society would do well to pay more attention to the behavior of ex-soldiers. ... Veterans comprised several distinctive classes in modernizing America and ... had a noteworthy, if varied, impact on postbellum life.” See Larry Logue, “Union Veterans and their Government: The Effects of Public Policies on Private Lives”, *Journal of Interdisciplinary History*, Vol. 22, No. 3 (Winter, 1992), 434.

has remarked, “The war ... drove many away from their homes in search of haven and a fresh start.”¹¹⁰

Although wounded by their own experiences of war, these men had lost neither their idealism nor their commitment to the political principles that had inspired their engagement as soldiers and their dedication to defend the cause of the Union.¹¹¹ For soldiers, the war to save the Union was inescapably part of the

¹¹⁰ Dean May, *Three Frontiers: Family, land, and society in the American West, 1850-1900* (New York: Cambridge University Press, 1994), 79. For a discussion of the “wandering and tramping” that characterized some veterans, see Eric Dean, Jr., *Shook Over Hell: Post-Traumatic Stress, Vietnam and the Civil War* (Cambridge, MA: Harvard University Press, 1997), especially 161-179. For an overview of the impact of immigrating veterans on the growth of Kansas, see Shortridge, *Peopling the Plains*. See also the pioneering work of Bruce Kahler who has suggested using the term “the Soldier State”.

¹¹¹ The historiography on the experiences of the “common” Civil War soldier has grown significantly in the last thirty years. In addition to the works by Paludan, Linderman, Dean and Mitchell already cited, see Phillip Paludan, “The American Civil War Considered as a Crisis in Law and Order,” *The American Historical Review*, Vol. 77, No. 4 (October, 1972), 1013-1034; James McPherson, *For Cause and Comrades* (New York: Oxford University Press, 1997); Randall

larger struggle to preserve freedom.¹¹² Convinced that secession was the harbinger of disorder and social anarchy, they saw the rebellion as the consequence of a general disrespect for democratic government. The southern rebellion had posed a clear, immediate threat to the Union, which, in the minds of Union soldiers was the strongest bulwark of liberty and independence. The challenge posed by the South to the Union, thus, jeopardized the entire system of republican government, which they understood to be the foundation of their own personal freedom.¹¹³

Nothing they had experienced in the long years of war had challenged this basic conviction.¹¹⁴ This was noted by C. E. Cory, who noted that “their four

C. Jimerson, *The Private Civil War* (Baton Rouge and London: Louisiana State University, 1988).

¹¹² Earl Hess, *Liberty*, 3.

¹¹³ Jimerson, *Private*,

27. See the also the analysis of Michael Barton, who argues that “Northerners... hated most in other peoples, and in each other, what they feared most in themselves” (*Goodmen*, 72).

¹¹⁴ James McPherson notes, “The conviction of Northern soldiers that they fought to preserve the Union as a beacon of republican liberty throughout the world burned as brightly in the last year of the war as in the first.” See

years of training in the greatest army of history” had made the “thousands of stout young fellows” who “had come west to make homes for themselves,” both “aggressive and fearless.”¹¹⁵ This fearless aggression was dedicated, according to the editor of the first newspaper to be published in the Neosho Valley, the *Neosho Valley Eagle*, to the defense of freedom. The opening salvo of the paper declared: “the *Eagle* screams in advocacy of justice and right; it screams for true and wholesome Union principles; it screams for the rights of settlers in opposition to rail road monopolies and land sharks.”¹¹⁶

On February 6, 1869, the *Neosho Valley Eagle* carried the text of a speech given to Congress by Representative Sidney Clarke on its front page. Clarke had immigrated to Lawrence as part of a member of the New England Aid Society. Appointed by President Lincoln as Assistant Adjutant General of Volunteers in

McPherson, *For Cause*, 175. It should be noted that some historians have challenged McPherson’s analysis. Gerald Linderman in *Embattled Courage* advances the thesis that by the end of the war most soldiers had become disillusioned and were reduced to enduring an embittered struggle for survival. My study of the veteran settlers in southeast Kansas leads me to adopt the position of McPherson and not that of Linderman.

¹¹⁵ Cory, “Osage Ceded Lands”, 190.

¹¹⁶ Neosho Valley Eagle, May 23, 1868.

1863, Clarke used this position to advance his own political career. He was elected to represent the state of Kansas in Congress in 1865, 1867, and 1869 on a pro-settler, anti-monopolist platform. His speech to Congress, printed in the *Eagle*, was a strident call for action. Clarke insisted that the settlers desire to own their own land was as essential to the future of the Republic as had been their fight to defeat the rebellion. Political power was inescapably tied to land ownership. Clarke asserted this as a basic political axiom, “whoever owns the land of a country, be they many or few, will in the end control its politics.” Furthermore, he continued, “Where the masses of the people own the soil that country is strong to resist all external foes, and to overcome much of the internal dissension.” On the other hand, he warned, “where the land is controlled by a minority, poverty will surely abound and the national vitality will be destroyed.” Thus, according to Clarke, the entire republican experiment of “a free government upheld by willing obedience to law” depended on the ability of “each family” to “own its own home.” The principle that “the soil should be in the possession of those who cultivated it,” Clarke described as the “grand ideal of the Anglo-Saxon brain,” that the “yeomanry of the mother country” brought with them when “they were transferred to these shores.” This was the principle that had animated the war for independence and the subsequent expansion of the “American Union” in fulfillment of its “continental destiny.” However, Clarke warned, the United States currently was facing a grave danger: “In our midst we have had fearful

examples of land monopoly. No portion of our country has escaped its destructive influences.”

For Clarke as for the veteran settlers who had elected him to represent them, the danger posed by land monopolies was a continuation of the threat posed by the slave system—“The old slaveholders understood well the truth of this political axiom. They therefore steadily sought to obtain entire control of the soil in their own States and as persistently hindered the development of that homestead policy in which the genius of our free institutions has molded our land system.” In fact, Clarke saw a linkage between the military defense of the Union and the passing of the Homestead Act: “The gun at Fort Sumter had hardly woke a continent to arms ere their Representatives passed the acts by which the nation pledged itself to span the continent by the Pacific railroad and bind two oceans together in bonds that should never be severed. Within the eventful year that passed, the Republican party passed the first homestead bill, and thus sealed the Republic forever, as with blood, to its highest hope and best ideal.”

The implications of this (for Clarke) were self-evident: Just as the masses had risen to defend the Union and crush the power of the slave aristocracy, so too they must come together to defeat the power of “the land oligarchy,” which Clarke insisted “is only a remnant of the slave system.” If they did, Clarke

promised in conclusion, “the land, like the slaves, will pass from their grasp. It will become the home of freemen.”¹¹⁷

The narrative of history undergirding Clarke’s speech found its public expression each year in the festive Independence Day celebrations of the settlements, villages and towns throughout southeast Kansas. On the 4th of July, southeast Kansans renewed their own commitment to “freedom” and “liberty” by participating in carefully scripted social rituals that celebrated the “anniversary of our nation’s birthday,” as the editor of the *Neosho Valley Eagle* explained, “in the fond hope that our own bright Ark of Liberty may successfully breast every billow and breaker of discord or anarchy.”¹¹⁸

One of the largest celebrations was held in 1870 in the city of Oswego where over 5000 people gathered to celebrate the 94th anniversary of the Republic.¹¹⁹ As the *Kansas Democrat* reported, the crowds were both large and enthusiastic: “Early in the morning our streets were thronged with the people of the surrounding country. Old and young; fair ladies and gallant swains, all

¹¹⁷ *Neosho Valley Eagle*, February 6, 1869.

¹¹⁸ *Neosho Valley Eagle*, July 4, 1868.

¹¹⁹ In 1870, because the 4th of July fell on a Sunday, the celebration of the 4th was transferred to Monday, the 5th.

determined on a good, old fashioned Fourth.”¹²⁰ After it had assembled, the crowd was led in procession to the center of the town where, after an opening prayer and the singing of the national anthem “America,” the Declaration of Independence was publicly read. The guest of honor, Judge Franklin G. Adams from Leavenworth, was asked to give an impromptu address.¹²¹ Adams’ speech (which was, according to the *Oswego Register*, extemporaneously delivered) expressed in summary format the political perspectives of the veteran settlers; the *Democrat* observed, “The oration was of the Fourth of July order, recounting the trials of our patriot fathers and the struggles of the infant colonies.”¹²²

Adams began by remembering the Pilgrims who, he claimed, had been inspired to come to the shores of the New World by “the spirit of Liberty.” Surrounded by “vast forests ... teeming with thousands of hostile Indians,” having “left all that was dear to them, save their love for their Maker, behind them forever, and feeling the full sense of their helplessness,” they still “thanked God above for the liberty they enjoyed.” When this liberty was sorely tested by England’s desire to tax them unlawfully, Adams rehearsed, “the Pilgrim Fathers

¹²⁰ *Kansas Democrat*, July 7, 1870.

¹²¹ For a biographical sketch of Franklin G. Adams, see *Kansas Historical Collections* 6, 171-75.

¹²² *Kansas Democrat*, July 7, 1870.

after having had a taste of liberty could not endure tyranny longer and resolved to throw off the British Yoke.” Facing incalculable odds, “surrounded and outnumbered by almost countless dusky foes,” they had persevered and triumphed because of their dedication to the “spirit of liberty.”

It was this spirit, “born of heaven and implanted in the breasts of the Pilgrim Fathers,” Adams reminded his hearers, which had inspired the writing of “that immortal instrument, the Declaration of Independence, just read in your hearing” and had sustained “the self-sacrificing heroism of the Patriots of this country.” And, it was the same spirit, Adams asserted, which had manifested itself in the recent struggle in which the vast majority of his hearers had been engaged. For, as he instructed them, although “the same spirit of liberty has passed through every generation to the present time, the war of the great rebellion has no parallel in history.” It was because “the cornerstone of the rebellion was American slavery” that the battle against it was “a combat for liberty.” In this combat, each of his hearers had played their part: “The merchant left his goods, the farmer his plow, and rushed to the defense of the stars and stripes, followed by the prayers of mothers, wives and sweethearts.” The cost of defending their liberty had been frighteningly high—“the five years of war cost 600,000 lives.” Yet, Adams concluded in celebratory zeal, “Passing by all the horrors of the rebellion, let us rejoice today that peace is restored.” It was because of their sacrifices (he assured his hearers) that the future of the country was bright —

“The time was when Rome was the center of the civilized world. Today the American nation is the strongest, most powerful nation on the globe. To be an American citizen is to claim a higher prerogative than of any other nation. All through this vast country there is not a slave.”

The vision presented by this oration is striking. In Adams’ mind, as he rehearsed what he called “history familiar to all,” those who waged war against the southern rebellion were cut from the same cloth as the early Pilgrims and the Revolutionary generation. Veteran settlers were part of the triumphant story of war-waging, freedom-seeking, frontier-settling white men and supportive sacrifice-facing, pious-praying white women. Their battle against the power of the slave aristocracy was of-a-piece with the Revolutionary generation’s battle against English tyranny. Both wars had been inspired by the “same spirit of liberty.” And, as they labored to build homes and communities in southeast Kansas, it was important for them to understand that they were continuing their work in the same “spirit of liberty.” As Adams triumphantly announced in his closing exhortation, “Let us go forward as American citizens. Let us advance. The resources of our great county are not fully developed.”¹²³

Some scholars have argued that in the years immediately following the Civil War, Americans were exhausted by a “dominant war-weariness” which led

¹²³ Adams’ speech is found in full in the *Oswego Register*, July 8, 1870.

them, as Gerald Linderman has suggested, “to thrust into shadow all things military.”¹²⁴ This is not validated by the experience of the veterans who came to southeast Kansas; instead, they envisioned their struggle to build ordered communities as a continuation of their struggle to save the Union. They had exchanged their swords for plows, but they had not abandoned either the vocabulary or mindset of war. Veterans considered their struggles to build communities in southeast Kansas to be a continuation of their effort to preserve the Union. They had marched to victory over the forces of rebellion; now they were advancing as pioneers to wage war on the disorder and disarray of the Kansas prairie. In the words of the *Labette Sentinel*, settlers to southeast Kansas self-identified themselves as “strong-minded, big-hearted, enterprising, persevering and muscular people, afraid of nothing but wrong.”¹²⁵ A correspondent to the *Osage Mission Journal* agreed; commenting on the character of the new settlers who were arriving, he wrote, “We are proud to say that the ‘new comers’ are of the better class of society—intelligent, industrious, moral, progressive and respectable. In short, just such men and women as are needed to develop the resources and material interests of Southern Kansas—those who will turn the tide of human affairs and improvement into the common sense channels

¹²⁴ Linderman, *Embattled Courage*, 271.

¹²⁵ *Labette Sentinel*, September 29, 1870.

of progress.”¹²⁶ Another correspondent concurred: “No trash or scum is found here, but live, energetic men, who attend to business, and thus benefit themselves and their town.”¹²⁷

Military language and imagery occurred frequently in the letters, articles and newspaper editorials of early settlers. A salient example is found in the response of the editor of the *Chetopa Advance* to an inquiry from Wales about the nature of pioneer life in southeast Kansas. In his published reply, Editor John Horner described the settlers as “the advancing army of civilization” in which “the sick, gouty and decrepit fall to the rear. The bold, stalwart, enterprising young and energetic are in the van.”¹²⁸ Using similar imagery in other editorials, Horner frequently impressed upon his readers the importance of cooperation by comparing them to military units: “Communities, like armies, must be disciplined and learn to act in concert.”¹²⁹ A correspondent to *The Kansas Democrat* in Oswego (Labette County) made a similar correlation between soldiers and settlers by noting that “if tact, talent and energy are needed anywhere it is in a new country, to open up and develop it, and he who succeeds with a small capital is as

¹²⁶ *Osage Mission Journal*, February 4, 1869.

¹²⁷ *Osage Mission Journal*, August 18, 1870.

¹²⁸ *Chetopa Advance*, June 16, 1869.

¹²⁹ *Chetopa Advance*, April 14, 1869.

good a soldier as ever followed Sherman to the Atlantic.”¹³⁰ A group of veterans, meeting in 1869, revealed their own understanding of the connection between their former actions as soldiers and their current labors as farmer-pioneers by arguing: “Many of these veterans of the late war for the Union wear the memorable scars, and some are mutilated, showing the extent of their suffering in its behalf; they are here struggling for life to gain a foot hold upon the soil that they make homes for themselves, their wives and their little ones.”¹³¹

Military language was ubiquitous and could be applied to almost any activity in which the settler was engaged. For example, when the editor of the *Neosho Valley Eagle* announced that the District Clerk, Capt. J. L. Denison, had recently married, he described it using the imagery of a military campaign: “Startling news from the front! Grant strategic move by ye fighting Editor. ... The facts as we have learned them are substantially as follows: On the 27th our daring and energetic District Clerk and ex official fighting editor on the staff of the Eagle broke up his camp, and in light marching order moved rapidly on the village of Iola. So rapidly and skillfully and withal, so secretly was the movement conducted that all hostile forces remained in a state of most profound ignorance in relation to the movements of the salient Captain until late on Sunday evening

¹³⁰ *Kansas Democrat*, July 21, 1870.

¹³¹ *Neosho Valley Eagle*, January 23, 1869.

when he descended upon the astonished natives like ‘a wolf on the fold’ and succeeded in carrying off the fascinating prize.¹³²

Other used similar language to describe even more mundane activities. “Our associate Editor,” announced the *Advance*, “has declared a war of extermination against rabbits.”¹³³ Frank Hudson, City Marshall for the city of Chetopa, warned his fellow Chetopans, “I have declared war against the dogs. Owners of dogs are required, by Ordinance No. 13, to have them registered at once.”¹³⁴ A correspondent to the *Kansas Democrat* used analogous imagery to describe his fruitless struggle to evade the bed-bugs that plagued early settlers: “We have scratched for mortal hours, tearing blood enough out of us for any decent army of bed-bugs, but all to no purpose. We have attempted strategy (*sic*), tried to surprise and cut off their retreat, have dug dutch-gap canals around us, but all in vain. No sooner do we light a liglit (*sic*), but they are off to their mountain fastnesses (to-wit: in the shingles and rafters) where they lay so close that finding them is out of the question.”¹³⁵ “The Army worm,” warned the *Oswego Register*, “is now invading this country, making sad havoc in wheat

¹³² *Neosho Valley Eagle*, November 28, 1868.

¹³³ *Southern Kansas Advance*, January 26, 1870.

¹³⁴ *Southern Kansas Advance*, February 22, 1871.

¹³⁵ *Kansas Democrat*, July 7, 1860.

fields.”¹³⁶ The *Allen County Courant* alerted its readers: “As we go to press we learn that a large fire has been in progress all day, destroying much property. Fences, orchards, barns, haystacks and wood piles seem to have been willed alike to the devouring element.”¹³⁷ The forces of nature, like the forces of the rebellion, could be active agents of harm against which the settler had to be prepared to defend himself. In nature, the settler would find not only a friend but also a deceptive foe: “We can see from our office window the prairie fires raging to the north of town. They look beautiful, fanned by the calm night breeze; but these fires are as destructive as they are beautiful and we advise those who are not prepared against their destructive effects to do so at once.”¹³⁸

As this warning illustrates, a deep and pervasive fear characterized the veteran settlers as they sought to build farms and communities in southeast Kansas. Appearances could often prove to be deceiving; surrounded by danger the veteran settler had to remain perpetually vigilant. In her analysis of the cultural values undergirding the efforts of 19th century settlers, geographer Julie Wilson has perceptively argued that “ideologies of conquest permeated the social

¹³⁶ *Oswego Register*, September 16, 1870.

¹³⁷ *Allen County Courant*, February 22, 1868.

¹³⁸ *Labette Sentinel*, October 27, 1870.

consciousness of Kansas settlers and altered their perception of the possible.”¹³⁹

This insight is applicable to the veteran settlers of southeast Kansas; however, it must be modified by the recognition that alongside this triumphant ideology was a more ominous fear that their freedom and liberty would be snatched away from their grasp. Ironically, even as they were expanding the Republic, they believed they were fighting a defensive war. Settlers believed that liberty and freedom were precarious, power was dangerous and corruption through licentiousness a constant threat. As a correspondent to the *Osage Mission Journal* reminded his fellow settlers: “It is the nature of men (when trusted with positions of power) to let their selfish and ambitious passions over rule all their finer and more virtuous principles.”¹⁴⁰

For this correspondent, if farmers were not vigilant, they might find that their labor in the Civil War had been in vain. The danger to the Union and thus to their freedom had not been eliminated; the money power of slavery had been replaced by the money power of railroads and other monopolies. The threat of a new kind of “slavery” hung over the heads of the settlers—their freedom was in

¹³⁹ Julie Wilson, “Kansas Uber Alles! The Geography and Ideology of Conquest, 1870-1900”, *The Western Historical Quarterly*, Vol. 27, No. 2 (Summer, 1996), 186.

¹⁴⁰ *Osage Mission Journal*, September 22, 1870.

danger. As the editor of the Parsons *Anti-Monopolist* warned, “Thousands of the readers of the *Anti-Monopolist* put in life honor and fortune to save the republic—in the terrible ordeal a race of four million slaves were incidentally enfranchised. It would be a terrible comment upon the power of that Great Instrument if while our servants were creating citizens of the United States out of four million colored slaves, it was engaged in enslaving twenty million free white citizens of the United States.”¹⁴¹

To these editors and to thousands more of their readers, politicians were more interested in maintaining their own personal power than they were in defending the rights of the powerless. The fight must therefore go on—the farmer must not cease being a soldier. For if he does, the *Labette Sentinel* prophesied, “the land you have inherited, which you have fought and bled for, which you have undergone untold privations and hardships to seek out for a home, and which you have improved” will “be taken from you by the ruthless hand of soulless corporations or railroad kings.” The challenge then was apparent: “The people should rise up at once as one man and contest their rights in these lands to the bitter ends.”¹⁴² It was not enough, the paper warned, to build a prosperous farm. All of their work could be lost if they failed to see the threat of “land monopolies”

¹⁴¹ *Anti-Monopolist*, January 12, 1871.

¹⁴² *Labette Sentinel*, December 15, 1870.

and the “corruptive power” of big money. It was against these that the veteran settler had to be most vigilant. As they had fought the “slave power”, so now, asserted the *Sentinel*, they must fight the power of money, landed monopolies and corrupt politicians.

The *Sentinel*’s call found its mark. Settlers were prepared to fight for their perceived rights; as the *Neosho Valley Eagle* warned: “Thousands of our pioneer boys have been ‘under fire’ on many a blood ensanguined field in defence of the Union. They know their rights, and dare maintain them.”¹⁴³ A similar argument was advanced by Congressman Sidney Clarke in his letter of April 13, 1868 to N. G. Taylor, Commissioner of Indian Affairs, “In behalf of these hardy pioneers, many of whom fought for the defence (*sic*) of the government whose protection they now ask from all systems of land monopoly, I earnestly appeal that ... the lands be opened up to actual settlers free from all schemes of speculation and monopoly.”¹⁴⁴

Veteran settlers were especially attuned to this call to action because it fit their preconceived sense of justice. Bruce Kahler explains, “The crucible of war had transformed them into comrades who for the rest of their lives shared a deeply felt appreciation for each other and they expected to be honored by all Union-

¹⁴³ *Neosho Valley Eagle*, June 10, 1868.

¹⁴⁴ Quoted in the *Neosho Valley Eagle*, May 9, 1868.

loving Americans.”¹⁴⁵ As one veteran immigrant asserted in a letter to the editor of the *Neosho Valley Eagle*, “For the service we did our country, for rolling back the huge wave of anarchy that threatened to swallow our Capitol, our freedom and our Government—for scattering the forces of treason, it would be our privilege, if we chose to come West to government lands, to enjoy such privileges as Government had before extended to settlers and pioneers.” In the same edition of the paper, after discussing the plans of railroad monopolies to claim the settlers’ lands, a correspondent bitterly notes: “Our labor in the South must have been of little value if this is our due.”¹⁴⁶

A similar attitude was manifested in Osage Mission on January 18, 1869. Meeting together to discuss the rumors and assert their right to the land, a group of veterans passed a series of resolutions in which they asked the pointed question: “Was it the capitalist or laboring man that bared his breast and stood a living wall of adamant between our late domestic foes and the threatened disruption of our country, and which prevented the realization of that disastrous fate?” The answer was clearly: “the laboring man.” As the settlers then went on

¹⁴⁵ Bruce Kahler, “Mary Ann ‘Mother’ Bickerdyke: A Gilded Age Icon,” Virgil Dean, editor, *John Brown to Bob Dole: Movers and Shakers in Kansas History* (Lawrence: University Press of Kansas, 2006), 116.

¹⁴⁶ *Neosho Valley Eagle*, August 22, 1868.

to explain, “Many of these veterans of the late war for the Union wear the memorable scars, and some are mutilated, showing the extent of their suffering in its behalf; they are here struggling for life to gain a foot hold upon the soil that they make homes for themselves, their wives and their little ones.”¹⁴⁷

An interesting story that illustrates this sense of entitlement appeared in the *Parsons Sun*. As the newly established city of Parsons prepared to celebrate its first 4th of July in 1871, one of the town’s successful businessmen, a local grocery merchant by the name of Oliver Duck, decided to present the city with its own American flag. When the 4th arrived, the mayor, Colonel Willard Davis, received the flag from Duck and raised it in an official ceremony. Davis’ story is interesting. A southerner by birth, he had left his prosperous business behind when South Carolina declared its intention to secede from the Union.

Immigrating to Illinois in 1860, he joined the army and fought with Union forces against the rebellion. Like many others, upon his discharge, he wandered for a few years before immigrating to southeast Kansas where he bought land in the new city of Parsons. To Milton Reynolds, the editor of the *Sun*, Davis’ sacrifice was great—he had jeopardized life and forfeited property. Because of this, he deserved to be rewarded. Thus, according to Reynolds, it was fitting that Davis would receive the gift of a flag and the privilege of raising it over the new city of

¹⁴⁷ *Neosho Valley Eagle*, January 23, 1869.

Parsons. As Reynolds editorialized, “With the first firing upon Sumter, he had determined to live, as he had always lived, breathing only love for the Union of the States and devotion to the flag and if need be die in its defense. For a united country he had to some extent jeopardized life and sacrificed property, and it was with peculiar satisfaction he could now, in behalf of the growing, vigorous and prosperous city of Parsons, accept such a gift.”¹⁴⁸

Like Reynolds, settlers in southeast Kansas believed that their sacrifices during the War had earned them a reward. And, of all the rewards to which they believed they were entitled, the most fundamental was the land itself. As Paul Gates made clear in his classic study of 19th century land settlement patterns, settlers believed that they possessed “a settlement right” enabling them “to get the land either as a free homestead or as a pre-emption right for \$1.25 an acre when the Indians were removed.”¹⁴⁹ Ownership of land was at the very heart and soul of the republican principles of individual liberty and equal opportunity; the two fundamental convictions that underlay political thought in the mid-nineteenth century (i.e., “a powerful commitment to individual independence and a conviction that the virtue of the citizenry depended upon the widespread, though not necessarily equal, diffusion of property”) were dependent upon the possibility

¹⁴⁸ *Parsons Sun*, July 1, 1871.

¹⁴⁹ Paul Wallace Gates, *Fifty Million Acres*, 145.

of cheap, available land.¹⁵⁰ Therefore, according to the political logic that sustained their settlement, land was central. In an examination of the anti-renter movement in New York, Reeve Huston has demonstrated that for 19th century settlers “ideas about land and freedom” were both “sacred and inseparable” so that “the former were essential to the realization of the former.”¹⁵¹ Private land ownership guaranteed liberty while the availability of cheap land ensured that financial opportunities would remain open for all settlers, not just the wealthy and well-connected. Thus, the enemy of slavery in all of its nefarious forms was land ownership—the key to defeating it was making sure that land remained available and inexpensive enough for ordinary people to purchase. As the Parsons’ *Sun* explained to its readers, “A landed aristocracy is a curse to a free government; and a *landless people* have an uncertain hold upon the rights secure to American freeman. To make a man secure in his rights, in this or any country, plant him firmly in the soil!”¹⁵²

¹⁵⁰ James Oakes, “From Republicanism to Liberalism: Ideological Change and the Crisis of the Old South”, *American Quarterly*, Vol. 37, No. 4 (Autumn 1985), 553.

¹⁵¹ Reeve Huston, *Land and Freedom*, 8.

¹⁵² *Parsons Sun*, July 1, 1871.

An interesting article appeared in the *Neosho Valley Eagle* in June of 1865. Staged as a call to action, the unnamed correspondent called the “Eagle” to “fly away to the North, East, and South” in order to spread good news “to houseless, homeless, starving thousands.” The good news was a call to immigrate: “Come to the Great West, to our enchanting Valley ... Kansas can feed the world in a few years. Then, why drag out a miserable existence in pent up cities? When you come to our own lovely West, be as free as the wind that sweeps over our beautiful prairie homes, and in a few years become opulent.”¹⁵³ What is most striking about this letter is the assertion by the writer that by immigrating to southeast Kansas men and women would find both freedom (i.e., “be as free as the wind”) and prosperity (i.e., “in a few years become opulent”)—the two characteristics of a republican democracy that the Rebellion had threatened and that they had fought to preserve! For these settlers, as long as the opportunity of cheap land remained open to them, the resources offered by the land were limitless (i.e., “Kansas can feed the world in a few years!”).

The *Neosho County Dispatch* expressed a similar sentiment in an editorial entitled “Southern Kansas and its Prospects.” After printing an article from the *New York Tribune* decrying the plight of “one hundred thousand families in houses or parts of houses they do not own, paying a better part of their incomes

¹⁵³ *Neosho Valley Eagle*, June 15, 1868.

weekly, monthly or quarterly to landlords or their agents ... ceasing to pay rent only when they cease to live,” the *Dispatch* proclaimed, “If this evil is ever remedied, it will be when these unfortunate beings break the chain that binds them to such slavery, come to the wide, free country of the west, and become land holders.”¹⁵⁴ Again we encounter the same connections: those who do not own their own land are in “chains” and “slavery;” the West offers “freedom” by promising that people can become “land holders.”

Early settlers also boasted that southeast Kansas was the land of choice for the poor and less-advantaged.¹⁵⁵ The *Neosho County Dispatch* avowed that “nearly all of our citizens who are in the most independent circumstances came here poor, and by diligent labor made for themselves a home and a competency.”¹⁵⁶ The *Southern Kansas Advance*, in its 1870 “booster edition,” promised would-be settlers, “The settler with very little means can go on and in a very few years have a home, which for fertility of soil cannot be equaled in the

¹⁵⁴ Neosho County Dispatch, July 27, 1869.

¹⁵⁵ For an introduction to the way in which American settlers viewed themselves and the land they were claiming, see Conevery Bolton Valencius, *The Health of the Country: How American Settlers Understood Themselves and Their Land* (New York: Basic Books, 2002).

¹⁵⁶ *Neosho County Dispatch*, September 29, 1869.

world.”¹⁵⁷ The *Neosho Valley Eagle* assured its readers, “Undoubtedly if one section of our State presents a better field for poor men than another, it is that portion commonly known as southern Kansas. Here may be expended a few dollars for improvements and a rich reward awaits the adventurer.”¹⁵⁸ In an editorial promoting southeast Kansas as the destination of choice for European immigrants, Milton Reynolds of the *Sun* announced, “If they are poor and out of money, they can turn in their muscle and brain toward the wealth of the nation; for here they will find wages better and food abundant and all their civil and political rights placed under the protection of the fundamental law and beyond the reach of party or faction.”¹⁵⁹ The *Labette Sentinel* likewise guaranteed its readers that there was plenty of “room to grow rich” in southeast Kansas; in fact, there was so much opportunity for “capitalist farmers” that “millions of acres of rich farming land” were literally “wasting their riches for the want of more people and money.”¹⁶⁰

Settlers also sang the praises of the “rich and productive soil” and, with the editor of the *Neosho Valley Eagle*, proclaimed the region to be “one of the

¹⁵⁷ *Southern Kansas Advance*, January 5, 1870.

¹⁵⁸ *Neosho Valley Eagle*, January 2, 1869.

¹⁵⁹ *Parsons Sun*, July 1, 1871.

¹⁶⁰ *Labette Sentinel*, September 29, 1870.

most fertile and beautiful prairie valleys in the West.”¹⁶¹ Even the “experts” added their voices of confirmation; as the geologist C. B. Wilber explained in his analysis of southeast Kansas and southwest Missouri, “We positively declare that no man can suggest a substantial good that this country does not possess. For soil, climate, water, drainage, stone, timber, coal, grasses, grazing and general farming, these portions of Kansas and Missouri are unrivalled and, we believe, unequalled.”¹⁶²

Early editors seized on almost any indication of fertility to convince themselves and their readers of the advantages of southeast Kansas. When the *Osage Mission Journal* announced the birth of twins to two families, it presented their births as “evidence of the richness and productiveness of southern Kansas.”¹⁶³ A correspondent to the *Neosho Valley Eagle*, noting that the city was inhabited by “a large number of educated, refined and handsome ladies,” concluded that “it is not strange the Providence should design that a land created so beautiful should be inhabited and beautified by some of the fairest and best of

¹⁶¹ *Osage Mission Journal*, February 4, 1869; *Neosho Valley Eagle*, May 16, 1869.

¹⁶² C. B. Wilber, *Mineral wealth of Missouri*, 64.

¹⁶³ *Osage Mission Journal*, March 4, 1869.

His creatures.”¹⁶⁴ Local newspapers frequently reported the size of tomatoes and other home-grown vegetables to indicate the possibilities stored in “the treasures of the soil which now lie hidden from view.”¹⁶⁵ No praise it seems could be too high; the editor of the Parsons *Sun* assured his readers that “if G. Washington was now living ... his shrewd business judgment, and good common sense would at once see that it is a good point and he would say, ‘Martha, this is the place for us to plant our stakes.’”¹⁶⁶

Settlers frequently employed biblical imagery to describe the “garden” to which they had come.¹⁶⁷ The *Neosho Valley Eagle* invited “Wolverines, Suckers, Pukes, Leather-heads, Hoosiers, Corn-crackers, and Buckeyes” to come to “the land of milk and honey.”¹⁶⁸ The *Western Enterprise* proclaimed, “The grass is so luxuriant, the skies so brilliantly bright and the atmosphere so delicious, it seems almost too good to work in, and about as near a paradise as the West can

¹⁶⁴ *Neosho Valley Eagle*, February 6, 1869.

¹⁶⁵ *Southern Kansas Advance*, January 5, 1870.

¹⁶⁶ *Parsons Sun*, July 8, 1871.

¹⁶⁷ For a discussion of the “garden metaphor” in the imagination of Americans, see Henry Nash Smith, *Virgin Land: The American West as Symbol and Myth* (Cambridge, MA: Harvard University Press, 1950, 1978), 123-260.

¹⁶⁸ *Neosho Valley Eagle*, June 15, 1868.

show.”¹⁶⁹ Editors possessed the ability to twist even the most obvious negative into a shining example of the positive qualities of southeast Kansas. Noting the flood-like conditions caused by heavy rains, the *Labette Sentinel* taunted would-be critics: “The creeks are now running like rivers, and many streams are temporarily impassable. How is this for drouthy Kansas?”¹⁷⁰ When the temperature turned unusually hot, going over the 100 degree mark each day for over a week, the *Kansas Democrat* jeered: “Think of that ye shivering chaps who live in arctic regions.”¹⁷¹ And, when detractors remarked that southeast Kansas had too much wind and not enough timber to sustain an endless population boom, a correspondent to the *Osage Mission Journal* vehemently responded, “I believe that these so-called objections will ultimately prove the greatest most beneficial blessings that Kansas enjoys. I believe that they constitute a part of God’s providential instrumentality to reserve this favorite garden spot of His footstool from sacrilegious desecration. The wind, you know, blows away the chaff and leaves the sound wheat.”¹⁷²

¹⁶⁹ *Western Enterprise*, September 1871.

¹⁷⁰ *Labette Sentinel*, October 13, 1870.

¹⁷¹ *Kansas Democrat*, June 8, 1870.

¹⁷² *Osage Mission Journal*, February 4, 1861.

Like Van Sandt, many veteran settlers refused to be blown off course. Convinced that their ability to endure the winds which had blown so fiercely during the Civil War proved their ability to endure any wind that might blow in southeast Kansas, they settled down to build homes, plow fields and raise families. In doing so, they believed that the fruits would justify the labors. They had come to put down roots, and to work towards the establishment of vibrant, prosperous and well-ordered communities. They were prepared to work hard, to sacrifice ease and leisure, to obtain them. Possessed by a heady sense of what they had accomplished even as they were tormented by fears of what they could lose, they had put down the sword, but had not ended the fight.

Thus, it is no surprise that they resonated to the speech of Sidney Clarke, who had been elected for the second time to the U. S. House of Representatives in 1867. In his acceptance speech, Clarke urged his listeners to “rally to the conflict” so that they might “route the cohorts of treason at the ballot box as they were routed by our soldiers on the battlefield.” Clarke also warned his hearers: “That which was won by blood, and on the battlefield, must not be surrendered at the ballot box. The best government God ever gave man now demands the support of all who would guard, with zealous care, the interests of liberty and mankind.”¹⁷³ Although we know now that Clarke was a clever politician who

¹⁷³ Quoted in the *Osage Mission Journal*, September 17, 1868.

worked behind the scenes to support the railroads against the interests of the settlers, this was unknown at the time in southeast Kansas. The settlers believed that Clarke was on their side, and Clarke did everything he could to maintain this illusion.¹⁷⁴ Many of these farmers had marched with Grant and Sherman; they had slept in open fields, been wounded in battle, and persevered to the end in order to see the Union preserved. They thus enthusiastically accepted Clarke's challenge to show that same perseverance, dedication and loyalty in conquering the prairies and establishing communities of ordered liberty in southeast Kansas.

¹⁷⁴ Craig Miner, "Border Frontier: The Missouri River, Fort Scott & Gulf Railroad in the Cherokee Neutral Lands, 1868-1870", *The Kansas Historical Quarterly*, Vol. 35, No. 2 (Summer 1969), 109.

Chapter 2: United We Stand: Law and Order on the Southeast Kansas

Frontier, 1867-70

It was one story too many for Henry Talcot and Nelson F. Acers, editors of the fledgling *Neosho Valley Register*. The news had just filtered into their office of another assault against a farmer's wife on a lonely homestead in Coffey County. The good news was that this time the woman had managed to escape, but her husband, who had come running in from the fields, had not apprehended the assailant. The culprit was still at large, perhaps roaming the countryside looking for new victims. Their frustration mounting, the editors quickly laid out the words which would appear in the next edition of their weekly newspaper: "Crime seems rife, and if the society can not be revenged under the law, decent men ought to turn out, hunt down such vile whelps of the Devil and administer summary punishment."¹⁷⁵ It was a bold and forthright call for action. Something had to be done; the future of newly forming communities in southeast Kansas was at stake.

In this chapter, I discuss the choices early settlers made in responding to the challenges of living in a recently settled border area. I begin by cataloguing the numerous challenges that confronted them in the early years. I then point to their commitment to meet these challenges by working together. At this point, I

¹⁷⁵ *Neosho Valley Register*, August 12, 1868.

analyze the establishment of extra-legal Clubs and vigilance Committees that were formed throughout the two counties in the earliest years of settlement. My analysis is centered on the understanding that the settlers had of the necessity and morality of these Clubs. Finally, I offer an evaluation of their role in the evolution of southeast Kansas society.

The veteran settlers who flocked to southeast Kansas brought the anxieties of post-Civil War America with them. These fears were heightened by the initial illegality of their settlement and the very real danger that the railroad monopolies might conspire to wrest the land title away from them. Thus, as they worked to improve claims and establish communities, settlers in southeast Kansas were forced to confront their fears. Living on land that was not legally their own, surrounded by swirling rumors and warnings, settlers turned to each other for support and found strength in their solidarity as veterans of the Civil War.¹⁷⁶ As the *Neosho Valley Eagle* assured them, “The majority of the Northern people sympathize with us, and soldiers in particular share our feelings, for more than

¹⁷⁶ See the comments of Larry Logue, *To Appomattox and Beyond* (Chicago: Ivan R. Dee, 1996), who has argued that veterans “developed a profound appreciation for solidarity. Most soldiers considered themselves independent individuals, but the extraordinary situations of the war had created permanent bonds with other soldiers” (142).

three-fourths of us are ex-soldiers.”¹⁷⁷ Settlers rejoiced in the words of General Ulysses Grant (whose farewell address to the Army was printed in full in the *Eagle*): “By your patriotic devotion to your country in the hour of danger and alarm, your magnificent fighting, bravery and endurance you have maintained the supremacy of the Union and the Constitution, overthrown all armed opposition to the enforcement of the laws and the proclamations forever abolishing slavery—the cause and pretext of the rebellion—and opened the way to the rightful authorities to restore order and inaugurate peace on a permanent and enduring basis on every foot of American soil.”¹⁷⁸ They took comfort in the oft-quoted assurances of unnamed “correspondents” in Topeka and Washington, D.C: “Much interest is felt here in the treaty now being consummated with the Osages. There is a strong sympathy predominant for the protection of the settlers. It should be the first object of the government to protect and defend the hardy pioneers who are advancing civilization upon the frontier.”¹⁷⁹

Faced with an uncertain future, settlers channeled their hope into action by forming clubs, committees, and organizations to advance their claims and build their communities. In 1867, several meetings were held throughout Neosho and

¹⁷⁷ *Neosho Valley Eagle*, August 22, 1868.

¹⁷⁸ *Neosho Valley Eagle*, September 22, 1868.

¹⁷⁹ *Neosho Valley Eagle*, June 13, 1868.

Labette counties. In Canville, a group of settlers met to petition Congress to pass a bill to secure the rights of the settlers and enable them to purchase their lands. They prepared a petition containing the names of many settlers and sent it to Congressman George Julian of Indiana who was a personal friend of one of the settlers, D. T. Mitchell. Other meetings were held, money was raised and Judge Solomon Markham was sent to Washington to represent their interest. On December 28, 1867, a group of veteran settlers gathered in Old Erie “for the purpose of selecting a Central Committee whose duty it should be to organize the different townships for the purpose of petitioning the Congress of the United States for the right of Pre-emption and Homesteads upon lands commonly known as the Osage Indian Lands.”¹⁸⁰ On September 14, 1868, the labors of this Committee brought about a large convention of settlers in Ladore with delegates present from both Neosho and Labette Counties. Other meetings followed in Jacksonville, Erie and Oswego. As newspaper editor, William White Graves, commented in his *History of Neosho County*, “Here was a population of more than 25,000 people engaged in building homes, in a constant and rigorous struggle for food, and with no law concerning their property. And yet the community was

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As reported in the *Allen County Courant*, January 18, 1868.

peaceable, orderly, and well-governed then as it is today. The American love for self-government was never more beautifully exhibited.”¹⁸¹

Although Graves’ quixotic description passes over much of the struggle and conflict of the early years of settlement, he is nevertheless correct in emphasizing the commitment to “community action” on the part of early settlers. To achieve their goal, early settlers channeled their hopes and desires into action by working together. Young and inexperienced, they had immigrated without the established network of friends and acquaintances that age and maturity often bring. They were thus forced to rely on their fellow settlers. In the *Chetopa Advance*, editor John Horner frequently commended cooperative endeavors to his readers and encouraged them to be proactive in organizing supportive societies: “Let every Town and Township organize societies . . . hold weekly meetings, and discuss questions bearing upon the prosperity, improvement and settlement of the county. . . . The indirect influence of such meetings would also be good, in bringing people together, and establishing friendly and social feelings and relations in sparsely settled neighborhoods. Nothing retards the settlement of a

¹⁸¹ W. W. Graves, *History of Neosho County, Vol. 1* (St. Paul, KS: Journal Press, 1959), 415. It should be noted that Graves’ estimate of “25,000” is inaccurate. It was not until 1870 that this many settlers lived in Labette and Neosho Counties.

neighborhood so much as the isolation of men and families, who ought to be social neighbors.” This was a theme to which Horner often returned: “The more we know of our neighbors, the better we shall love them, as a rule.”¹⁸²

Whatever the challenge, many settlers were convinced that they could best confront it together. As historian Jean Baker has explained, nineteenth-century Americans believed “civic virtue never emerged from individual interest but rather required collective action.”¹⁸³ To Editor Horner, this was the distinguishing mark of civilization: “Co-operative labor constructs railroads, builds bridges; establishes banks, and builds cities; rears churches and founds colleges; lays the electric cable along the ocean’s bed and sends the fiery leviathans of commerce on missions of civilization around the globe. Individual isolation is barbarism.”¹⁸⁴ The editor of the *Oswego Register* agreed wholeheartedly: “A significant characteristic of this state and more especially of this country is the hearty manner in which people stand out for their friends. We attribute the success of so many undertakings to the unity of feelings among our citizens.”¹⁸⁵

¹⁸² *Chetopa Advance*, June 16, 1869, and January 27, 1869.

¹⁸³ Jean H. Baker, “From Belief into Culture: Republicanism in the Antebellum North,” *American Quarterly* 37 (Autumn 1985), 543.

¹⁸⁴ *Chetopa Advance*, April 14, 1869.

¹⁸⁵ *Oswego Register*, September 16, 1870.

Success did not however come easily. One of the earliest problems confronting the settlers was the lack of adequate provisions. This was compounded by the difficulty of transporting goods through southeast Kansas, given the large number of creeks and rivers which had to be forded. John Horner complained, “We have been compelled to import the supplies for our people and transport them a hundred miles or more by wagon. This has been a constant drain on our resources. Labor and living have been high and everything expensive.”¹⁸⁶ Another settler recalled, “At that time Humboldt and Fort Scott were the nearest points at which we could obtain provisions or goods of any kind, save a meager trading post on Canville Creek.”¹⁸⁷

As a result, prices for food were very high. The *Western Enterprise* noted, “So new was the country at that time that nearly all the supplies were brought from Kansas City or Lawrence in wagons. ... Corn readily sold at \$2 per bushel to the immigrant, and was very hard to get, even at that price. Fruit and vegetables were out of the question and anything like comfort an impossibility.”¹⁸⁸ Nelson Case remembered an early time when the prices were even higher, “There was necessarily a great amount of suffering. Provisions had

¹⁸⁶ *Southern Kansas Advance*, January 26, 1870.

¹⁸⁷ *Labette Sentinel*, December 22, 1870.

¹⁸⁸ *Western Enterprise*, September 1872.

to be hauled from so great a distance that the price continued very high all the time for several years, flour was frequently \$15 a hundred, corn \$3 a bushel, meal \$6 a hundred, bacon 25 cents a pound, and other things in the line of living in proportion.”¹⁸⁹

The fall and winter of 1866 were especially difficult; rain fell constantly and the mild weather did not allow the rivers to freeze. Transportation was minimal and food supplies ran dangerous low. As a result, many settlers fell ill because of the lack of provisions. There was not enough feed for the stock; as a result, most of the cows died either of starvation or disease.

The summer of 1867 brought additional troubles: an infestation of grasshoppers. Their arrival was first noted by the *Humboldt Union*: “Billions of grasshoppers were seen high in the air, on Tuesday; traveling in a northeasterly direction. Where will they stop seems to be one of the vexed questions. We are satisfied that they will do the crops no injury in this vicinity.”¹⁹⁰ The *Union* was wrong. As an early settler recollected, “One day in the summer of 1867 when corn was in roasting ears, while we were eating dinner we heard something like hail hitting the house. Looking out, we saw millions of grasshoppers. In 15

¹⁸⁹ Nelson Case, *History of Labette County, Kansas and its Representative Citizens* (Chicago, IL: Biographical Publishing Co, 1901), 40.

¹⁹⁰ *Humboldt Union*, July 13, 1867.

minutes we could not see the sun, the hoppers were so thick in the air.”¹⁹¹ The grasshoppers ate the blades off the stalks and the grains off the ears of corn. When the settlers tried to save the vegetables they had planted in the garden by tying rags around them, the grasshoppers ate the rags before consuming the vegetables.

In the early years, settlers concentrated on subsistence farming. Without effective transportation, they were cut off from lucrative Eastern markets. And, without adequate milling facilities, they were unable to fully use the grain they grew. As the *Chetopa Advance* bewailed, “The people on the upper Labette have fine crops of wheat but no machine to thresh it. Who will supply them?”¹⁹² In the early years, most settlers concentrated on growing their own vegetables and experimenting with various kinds of fruits.¹⁹³ Margaret Plummer recalled that the first summer they planted potatoes and garden vegetables, the second summer they added corn and in the third summer they planted wheat.¹⁹⁴ Settlers also adapted to local fruits, as noted by a correspondent to the *Neosho Valley Eagle*

¹⁹¹ Dinsmore, “Early Days”, 2.

¹⁹² *Chetopa Advance*, August 4, 1869.

¹⁹³ Local settlers grew grape vines as well as apple and peach trees. See the *Chetopa Advance*, April 7, 1869.

¹⁹⁴ “Reminiscences” (*sic*) by Mrs. J. E. Plummer, 1931, 3.

who explained that “wild fruit has been plenty here this summer and the grapes, hickory nuts and walnuts that we will have this fall will be the most astonishing thing of all.”¹⁹⁵ According to Cory, the settlers learned to improvise: “Melon rinds and sorghum molasses made a preserve which was fine. The ordinary prickly pear was made into a conserve to tickle the palate of any one. Persimmon jam and persimmon preserves were food for kings. They took cubes and triangles of carrots, tomatoes, melon rinds, cantaloupes, cabbage, sweet potatoes, and I don’ know what else, and put them in a jar and turned out piccalilli. ... And sorghum! You should have seen what those women did with sorghum. Every possible food, from fruit preserves to hoe-cake, made a call for sorghum; and really, a good flap-jack, with home-made sorghum, is not bad eating, even now. But the finishing marvel, the final coup, as it were, of these artists was sheep-sorrel pie. They picked the common sorrel from the prairies and treated it somewhat as they would have treated rhubarb, if they had had it, only that they sorghum instead of sugar. It was a really a good pie.”¹⁹⁶

Cory’s positive spin, notwithstanding, life was difficult for the early settlers. As the *Neosho Valley Eagle* warned would-be settlers, they would

¹⁹⁵ *Neosho Valley Eagle*, September 8, 1868.

¹⁹⁶ Cory, “Osage Ceded Lands,” 194.

certainly hear “hob-goblin stories about starvation.”¹⁹⁷ The *Eagle* reported an engagement, but sadly noted that the wedding would have to wait because the groom-to-be “says he would get married in a minute were it not that being a very sensitive and conscientious youth, don’t like the idea of gradually starving anybody’s sister.”¹⁹⁸ Another settler remembered, “The only stomach trouble we heard of then was the trouble to get something to fill the stomach with.”¹⁹⁹ The editor of the *Neosho Valley Eagle* was forced to make a public appeal to meet his family’s needs: “WANTED—Butter, eggs, lard, potatoes and chickens at the *Eagle* office. We must live. Market price paid for anything that will ‘fill up.’”²⁰⁰

It was not until the growing season of 1869 that the settlers were able to feed themselves, without having to import large quantities of food from Missouri and northern Kansas counties. The *Neosho County Dispatch* joyfully announced, “We also have the satisfaction of recording that there was a larger scope of country planted, and from its extensive yield will probably be sufficient to supply the entire wants of the population.”²⁰¹

¹⁹⁷ *Neosho Valley Eagle*, December 12, 1868.

¹⁹⁸ *Neosho Valley Eagle*, March 22, 1869.

¹⁹⁹ Graves, *History of Neosho County*, 286.

²⁰⁰ *Neosho Valley Eagle*, August 22, 1868.

²⁰¹ *Neosho County Dispatch*, August 17, 1869.

To supply their protein needs, settlers relied on milk provided by their cows, eggs laid by their chickens, fish that could be caught in nearby streams and rivers, and any meat that could be obtained by hunting resident wildlife. As an example of the kind of game that could be found in the region, the *Osage Mission Journal* offered the following list in its report on the hunting expedition led “last week by Sheriff Leahy”: “5 Deer, 3 Geese, 48 Ducks, 13 Prairie Chickens, 149 Quail.”²⁰² Even as late as 1870, people were still buying locally killed meat at open air markets: “Prairie Chickens are very plentiful in this section. They sell alive for 20 cents, dressed 15 cents each. Venison is very plentiful in this market. One man sold 443 pounds last Saturday at twelve and a half cents per pound.”²⁰³

Early settlers were hampered by the lack of accurate knowledge about their immediate environment. For example, many coming from Northern climes were unacquainted with the serious danger posed by the brown recluse spiders. Other risks were more well-known, but no less serious. Rattlesnake bites were frequent, and settlers reported a constant battle with bed-bugs and lice. Advice and remedies circulated freely. The *Osage Mission Journal* reported that B. V. Harris, who had been bit while hunting near the Neosho River, was saved “by

²⁰² *Osage Mission Journal*, November 11, 1868.

²⁰³ *Southern Kansas Advance*, January 12, 1870.

prompt use of good whiskey, *ad libitum*.”²⁰⁴ The *Neosho Valley Eagle* told of a mother who, upon a rattlesnake biting his child in his crib, “killed the snake and then poured whiskey down the child till it was made drunk, which neutralized the effects of the snake poison and saved the child.”²⁰⁵ Others adopted a less intoxicating approach; the *Osage Mission Journal* told the story of Mrs. James Tharp who was bit while walking from the house to the garden. According to the report, “Mrs. Tharp killed the reptile; and then with equal presence of mind, bound the limb tightly and thus prevented the rapid absorption of the virus.”²⁰⁶ For other pests, the cure could be as dangerous as the disease! The *Chetopa Advance* recommended the use of “quicksilver” to control inside pests and an ample sprinkling of “sulphur mixed with coal dust” to keep them from eating garden vegetables!²⁰⁷

Settlers debated among themselves what crops should be planted, and when they should be planted. The *Neosho County Dispatch* revealed some of the nature of this debate when it admitted, “It has been generally supposed and in fact conceded by those who ought to have known better that Southern Kansas was not

²⁰⁴ *Osage Mission Journal*, June 17, 1869.

²⁰⁵ *Neosho Valley Eagle*, June 20, 1868.

²⁰⁶ *Osage Mission Journal*, September 17, 1868.

²⁰⁷ *Chetopa Advance*, August 18 and 25, 1869.

adapted to the raising of corn.” As might be expected, the *Dispatch* was quick to dispute this commonly accepted opinion by noting, “In many instances we have been shown stalks of corn fourteen feet high, with three well formed ears and four shoots on the same stalk. In examining some of the fields we found, in almost every instance, two well formed ears to each stalk.”²⁰⁸ The *Chetopa Advance* took a different approach, arguing instead that “there no longer exists any doubt in the mind of any intelligent reader or observer, but that Kansas and especially the Southern portion of it, is destined to become famous for its fruit producing capacity. The wild grape grows here in unwonted luxuriance and fortunes have already been made in raising the improved variety. Since the first settlement of the country, there has been no failure in the peach crop of Southern Kansas. ... Our soil and climate are also equally adapted to the cultivation of the apple.”²⁰⁹

By far, however, the most challenging feature of the new environment was the weather. As the settlers soon discovered, in southeast Kansas it was anything but predictable! Immigrant Solomon Kious noted wryly in a letter to his hometown paper in Illinois, “I would advise all who wish to emigrate not to come

²⁰⁸ *Neosho County Dispatch*, August 17, 1869.

²⁰⁹ *Chetopa Advance*, April 7, 1869.

if they do not want to see changeable weather.”²¹⁰ Settlers were shocked by the sudden appearance of storms accompanied by extremely high winds. The *Neosho Valley Eagle* reported, “We have had for the past week severe wind and rain storms. One house, belonging to Mr. J. F. Allison, was blown down. It was not quite finished, and undoubtedly the wind took a better hold, not being thoroughly enclosed.”²¹¹

The most lethal of the weather patterns were the violent explosions of lightning that came in the late fall and early winter. Unaware of the danger, as the *Chetopa Advance* ruefully noted, settlers frequently failed to take adequate precautions, “We are surprised to see in riding over the country that the farmers have as yet taken no precautions to protect their stacks of hay and grain, fences and buildings from prairie fires which within the next two or three weeks will sweep the whole area of our country. Let there be no further delay. Already the fires have commenced. One or two frosts and, unless prompt measures are taken, thousands of dollars worth of property will be swept away with the fiery besom of destruction.”²¹²

²¹⁰ Solomon Kious to the editor of Macomb Journal; appeared March 20, 1879. Kansas State Historical Society, Manuscript Archives, Labette County.

²¹¹ *Neosho Valley Eagle*, September 22, 1868.

²¹² *Chetopa Advance*, October 13, 1869.

Many farmers apparently failed to understand and/or heed the warning. In November, the *Advance* reported, “Nearly the entire area of our county has been swept clean by the prairie fires. On the open divide in the central portions of the county we travel miles and miles without ever seeing so much as a blade of grass—only cinders and ashes. From Chetopa westward along the line as far as the Verdigris, the entire stock range has been destroyed, except a narrow margin on the north of Snow Creek and here and there a small patch where the settlers have fought back the destroyer. The same is true of all the west and north-west portions of the county.”²¹³

The changeable nature of the weather alternatively confused, irritated, and frustrated the plans and activities of the settlers. Rain was a constant problem. When it rained, it often poured, causing rivers, streams and creeks to overflow their banks. As the *Osage Mission Journal* reported, “The Neosho is on the rampage and has been on it for several days, to the great disgust of the lumber men. The rain was unexpected.”²¹⁴ The *Journal* noted in another edition, “It rained in great volume and uninterruptedly all night. The water in Neosho River raised 20 feet in 9 hours time. Every creek and rivulet assumed the dimensions of a good-sized river.” In addition to threatening crops and livestock, sudden

²¹³ *Chetopa Advance*, November 10, 1869.

²¹⁴ *Osage Mission Journal*, September 3, 1868.

downpours created transportation nightmares. The *Journal* continued, “During Wednesday Capt. Gillmore’s new ferry which he had just put into operation a short distance below Buck & Hutchings’ Mill, was torn loose and swept down stream. The same befell the upper ferry owned by Neighbors & Johnsons. Owing to this great rain fall the Stages on the various routes centering here failed to arrive on time for several days.”²¹⁵ At times, unfamiliarity with the rushing rivers could prove fatal. The *Tioga Herald* reported the tragic death of “Mrs. Nichols with her daughter” who drowned while attempting to ford the Neosho River when their wagon became uncoupled.²¹⁶

Unaware of the ferocity of southeastern Kansas rains, settlers were often unprepared for the destruction they wrought. As the *Oswego Register* reported, “The walls of what was designed for a two story stone dwelling on the north end of Commercial Street, built by Mr. Houghey, fell down during the storms last Saturday. The walls were completely ready for the roof, including the gables, but owing to the great weight, a defective foundation and the wash of the rains, fell in ruins, leaving only a small portion of the front wall standing. The loss is considerable and to be regretted.”²¹⁷

²¹⁵ *Osage Mission Journal*, June 17, 1869.

²¹⁶ *Tioga Herald*, December 30, 1871.

²¹⁷ *Oswego Register*, August 23, 1870.

Even when the destruction was not so extreme, new settlers frequently complained that the rain made life almost unbearable. The *Neosho Valley Eagle* noted, “Everything is Mud. Every paper in Southern Kansas lets off a few sentences about the Mud.”²¹⁸ John Horner was more poetic in his lament: “Our apprehensions of a Noahic deluge have been aroused. ... We are water bound and then the mud! Boundless, ubiquitous, measureless, fathomless oceans of mud! Mud, as a gas, and mud as a fluid; ink-like, gruel-like, paste-like, pudding-like, tar-like, mortar-like mud; mud in the streets and mud in our sanctum; mud on our boots, mud in our bed-room; mud on our trousers, and mud in our tea; mud on our coat, and mud in our coffee. We have dranked muddy water till we are troubled with the sand bars on the stomach.”²¹⁹

In 1869, the rains completely overwhelmed the entire region. A fierce rain dropped eighteen to twenty inches of rain in five hours; the Neosho River spilled over its banks and engulfed the surrounding communities in water. The *Osage Mission Journal* reported the amazing results, “When the morning dawned and here in town a glance to the West showed the Neosho out of its bed thus early, and rushing along over a stretch of a mile in width between its ordinary bank and

²¹⁸ *Neosho Valley Eagle*, February 6, 1869.

²¹⁹ *Chetopa Advance*, February 3, 1869.

the western limits of town and Rowland's and Clark's farms with a good deal of the latter already submerged. To the eastward the waters of the usually quiet little Flat Rock Creek could be seen seemingly spread to the extent of a wide river."²²⁰ The damage was immense; entire houses and barns were ripped from their moorings and washed away downstream. Both people and livestock were drowned; the *Journal* reported that one farmer lost over 400 head of sheep. The *Neosho Valley Dispatch* drew attention to the many horses that were unable to escape the confines of their pickets.²²¹ Both papers reported that entire crops of wheat were destroyed.

The most dangerous event for which the community was unprepared, however, was fire. The *Chetopa Advance* reported that a fire destroyed the dry house of a newly erected Planning Mill. The prompt response of the citizenry was able to stop the fire from spreading, but not before a third of the lumber in the kiln was burned on the ends. To Horner, this was a strong warning: "This fire satisfied us of one thing, viz: Chetopa needs a set of fire hooks and an organized fire company."²²² A few weeks later, the *Osage Mission Journal* informed its readers that "the house of Mr. N. B. Clark, some five miles southeast of this place

²²⁰ *Osage Mission Journal*, July 15, 1869.

²²¹ *Neosho County Dispatch*, July 13, 1869.

²²² *Chetopa Advance*, December 8, 1869.

was consumed with all its contents on Monday night of this week.” The parents had been away; the three children left at home had only barely escaped.²²³ The first fire was started by a defective flue; the second because the children had been inattentive to the stove. In August 1870, the *Journal* reported that another fire had occurred—this time in the stables of the S. K. Stage Company. Although no one had been hurt, “two valuable horses and other property were burned.” Observing that the fire had been caused by “the carelessness of a cigar smoker,” the editor forcefully pronounced, “It seems to us that a man must be slightly demented, or recklessly foolhardy, who will take a lighted cigar into such a place, where so much combustible material abounds, which a spark may ignite.”²²⁴ Unfortunately, as the editor acknowledged, southeast Kansas was not without its fools!

Furthermore, the steady influx of people drained the limited resources of the emerging communities in the Valley.²²⁵ The *Neosho Valley Eagle* explained,

²²³ *Osage Mission Journal*, December 30, 1869.

²²⁴ *Osage Mission Journal*, August 11, 1870.

²²⁵ The following statistics, related by the Superintendent of Public Instruction in Neosho County, give some indication of the structural problems immigration presented:

“Within the past four weeks we have had accessions to our town to the number of fifty families. They are living in all imaginable kind of structures, not being able to procure lumber to build at this time.”²²⁶ The *Osage Mission Journal* lamented, “Our city is without ice. Owing to our rapid increase in population the supply put up last winter was several thousand pounds too small, but we are fortunate in having the coolest and best water to be found in Southern Kansas.”²²⁷

Accidents occurred at an alarming rate; given the lack of adequately trained medical personnel, even minor injuries could prove fatal. This was especially true of cases involving children. Given the undeveloped nature of roads and the rugged state of many vehicles, children were routinely thrown out of coaches and/or wagons. They were sometimes run over by errant animals. Given the confined quarters in which many lived, children were scalded by boiling water and/or coffee. In such cases, the newspaper editors could not refrain from chiding parents and/or guardians. After the *Osage Mission Journal*

18691870Number of Organized School Districts5070Number of children between 5 and 21 years of age 24963519Number of School children enrolled9541609Number of School houses2231Source: *Osage Mission Journal*, October 13, 1870.

²²⁶ *Neosho Valley Eagle*, December 12, 1868.

²²⁷ *Osage Mission Journal*, August 26, 1869.

had described the tragic case of “a babe of William Rhodes, living on Flat Rock” who “was badly scalded by upsetting a kettle of hot lye over itself,” the editor remarked, “Parents cannot be too careful in placing such dangerous means beyond the reach of young children.”²²⁸ Several months later, after describing the sad case of a six-year old girl who burned herself severely by knocking over a hot pot of coffee, the editor observed, “Too much care cannot be observed in such matters.”²²⁹ The editor of the *Labette Sentinel* likewise exhorted parents, “Let us remember that they are ours to learn and protect, to teach and to warn and cherish; ours to love wisely, to deal with firmly and reverently—mirrors of our example, gleaners of the harvest of our home life—not ours to pet and rebuff, and sacrifice to our hundred weaknesses.”²³⁰

In short, the necessity of survival combined with the changing vicissitudes of frontier life forced settlers to work together and to depend on each other. Thus, after reporting that “the dwelling house of Mr. A. Johnson accidentally caught fire on Wednesday last during the temporary absence of the family,” the *Neosho*

²²⁸ *Osage Mission Journal*, June 24, 1869.

²²⁹ *Osage Mission Journal*, September 9, 1869.

²³⁰ *Labette Sentinel*, November 24, 1870.

Valley Eagle added that the house “would have been entirely consumed had it not been discovered by a neighbor.”²³¹

Reliance on others is noted in many early settlers’ reminiscences. F. M. Abbot—who came to Neosho County in 1867, lived in Canville Township, and taught school in both Thayer and Chanute—remembered that although “the people were all poor in purse . . . they were helpful and accommodating to the last degree.”²³² In another letter to the *Thayer Independent News*, Abbot expanded this comment by explaining: “Although people were poor they all were good neighbors. They would share their last meal with a neighbor who was needier than they. They would loan anything they had and if anybody was sick they would make almost any sacrifice to help or assist their suffering neighbor. Their hearts were in the right place. These pioneers loved to visit one another. They were friendly, hospitable. . . . Their visitor was sure to get the best they had.”²³³

Undoubtedly, these memories, colored by time and tinted by nostalgia, tended to overemphasize cooperation and downplay conflict; nevertheless they give voice to a fundamental reality in the settlement of southeast Kansas. As the historian W. H. Hutchinson has noted, because early settlers confronted an

²³¹ *Neosho Valley Eagle*, June 20, 1868.

²³² *Thayer Independent News*, December 12, 1913.

²³³ *Thayer Independent News*, December 8, 1916.

uncertain future, their fundamental concern “was survival. . . . Each segment had a common moral code: the primordial ethic of survival.”²³⁴ Living on the frontier, settlers were acutely conscious of their vulnerability and turned to each other for sustenance, support, and strength. Thus, when Francis Wall discovered that a yoke of his oxen had been stolen, he turned to his neighbors for help. After investigating the situation, they discovered that a nearby neighbor, James Moss, had been selling meat “on the side” about the same time that the oxen had turned up “missing.” Deducing that Moss was guilty, they also decided it was time for him to leave—immediately. When Moss protested his innocence and refused to go, Wall’s neighbors insisted. They forcibly entered his residence, gathered his belongings, threw them onto his hitched wagon and watched as he rode out of town.²³⁵

As this story illustrates, in seeking security through collective action, settlers were confronted by a dilemma: not everyone could be trusted. Cory remembered his own fear, “If I had a good farm and my neighbor Tom Johnson had none, he could come to my cabin and put me off, and if he could whip me or

²³⁴ W. H. Hutchinson, “Introduction: Law, Order and Survival,” *The American West* 7 (January 1970), 4.

²³⁵ Nelson Case, *History of Labette County*, 49.

scare me, the place was his. ... Cases of this kind were frequent.”²³⁶

Furthermore, as settlers quickly learned, people were not always who they said they were! Sometimes the deception could be quite elaborate. The *Osage Mission Journal* reported the story of “A. D. Cuning” who was arrested and taken back to his home state of Indiana in the late summer of 1869. This arrest was of great surprise to the local residents, especially because Cuning had ingratiated himself to his neighbors by serving the community in the “capacities of lawyer, judge pro tem, preacher, Sabbath school teacher and raftsmen down the great Neosho.”²³⁷

Another tale of deception was recorded in the *Neosho Valley Eagle*. The story began in Indiana in the fall of 1867 when a married tenant farmer by the last name of Brenner became involved in an adulterous relationship with a younger woman. As the news spread and community disapproval of his actions became apparent, he left his wife and struck out for southeast Kansas with his lover where he staked a claim about three miles outside of Osage Mission. Establishing himself as a newly married man, Brenner endeared himself to his neighbors and became an active member of the local community. However, when his wife, who had been left behind in Indiana, discovered where he had gone, she decided to

²³⁶ Cory, “Osage Ceded Lands”, 195.

²³⁷ *Osage Mission Journal*, August 26, 1869.

follow him. When she arrived in southeast Kansas, she staked a claim less than a mile away from that of her errant husband. Not content to sit quietly by and allow another woman to pass herself off as his lawful wife, Mrs. Brenner proceeded to tell anyone and everyone the true story—much to her husband’s annoyance. The *Eagle* related the conclusion of the sordid affair: “The husband, maddened, and full of revenge, is said to have poisoned the one he swore to honor and protect.”²³⁸

That this was not an isolated occurrence is seen in another story that appeared in the *Journal* in the spring of 1870.²³⁹ According to this report, the local constable, R. A. Davies, had failed to return after borrowing a horse-n- buggy to serve papers in the northeastern part of the county. It was initially believed that the newly married Davies had been killed. However, when no body turned up and no evidence could be found of foul play, an investigation was initiated. To the surprise of everyone—especially his new bride—it was

²³⁸ *Neosho Valley Eagle*, March 20, 1869.

²³⁹ I also note the following notice printed in the *Osage Mission Journal* on August 4, 1870 as evidence of the attraction Kansas held for many who were seeking to flee from obligations and responsibilities incurred elsewhere: “WANTED—Information is wanted of Loren B. Holbrook, who is thought to be in Kansas. Any information regarding his whereabouts will be thankfully received by his wife at Fort Dodge, Iowa.”

discovered that Davies (whom the *Journal* described as “rather genteel in appearance” with “an oily tongue ... apt to deceive the unwary”) had three other wives—“one in Rushville, Illinois who has three children by him; one in Knob Nostur, Mo., who has one child by the wretch; he has also a wife somewhere in Arkansas whom he married about two years ago and it is supposed that he has more wives in other parts of the West and South.”²⁴⁰

Another example can be found in the letters of the Jesuit priest, Fr. Paul Ponziglione. Fr. Ponziglione complained of an “imposter” who was traveling from house to house in the remote areas of Neosho and Labette Counties claiming to be his nephew and offering to baptize children for a small fee. Fr. Ponziglione advised the duped families to have their children conditionally baptized, telling them: “I do not believe in the sincerity of that man who went about calling himself a priest and imposing on the credulity of poor simple Catholics.”²⁴¹

The uncertainty these kinds of experiences wrought in the hearts and minds of the settlers is clearly manifested in the following poem. Written for the *Neosho Valley Eagle*, the anonymous author advised settlers not to take people at their words, but instead to prove their friendship before pledging their trust.

²⁴⁰ *Osage Mission Journal*, April 21, 1870.

²⁴¹ W. W. Graves, *Life and Letters of Fathers Ponziglione, Schoenmakers and other early Jesuits at Osage Mission* (St. Paul, KS: W. W. Graves, 1916), 48.

Many to serve their selfish ends
Warmly declare that they are friends
But soon as serving self is over
Behold they are your friends no more.

Others will act a part more base,
Always be friendly to your face,
You turn your back then they your name
Expose to obloquy and shame.

Apparent friends others show,
That you may confidence bestow,
Your secrets thus they oft obtain
And use to injure your good name

Those who of others tell you much,
My counsel is beware of such
They bring your neighbors' faults to view,
And in absence speak the same of you.

A faithful friend I highly value,

But mere pretence I do despise,
When you're disposed a friend to trust
Always be sure to prove them first.²⁴²

In many respects, the truths contained in this poem transcend geography and time. Yet, in southeast Kansas in the late 1860s and early 70s, the warning was especially pertinent. Settlers were caught on the horns of a dilemma. They could not survive by themselves; yet they did not know who they could trust.

The solution towards which these settlers moved was a variation of the old saying: "there is safety in numbers." They created cooperative clubs, committees, and other collective assemblies by which groups of law-abiding settlers could work together to discover who could and who could not be trusted in order to defend their communities against those intent on circumventing the law. This was a pattern repeated in many frontier communities throughout the west. As historian Richard Maxwell Brown has written, settler clubs and vigilance committees "arose as a response to a typical American problem: the absence of effective law and order in a frontier town. . . . The regular (and by regular, I mean legal) system of law enforcement frequently proved to be woefully inadequate for the needs of the settlers." Historian Phillip S. Paludan confirmed this analysis: "Strong respect

²⁴² *Neosho Valley Eagle*, January 29, 1869.

for the necessity of an ordered way of doing things tended to prevail. Settlers created their own law and enforced it.”²⁴³

²⁴³ Phillip S. Paludan, “The American Civil War Considered as a Crisis in Law and Order,” *American Historical Review* 77 (October 1972): 1022; Richard Maxwell Brown, “The History of Extralegal Violence in Support of Community Values,” in *Violence in America*, ed. Thomas Rose (New York: Random House, 1969), 88. For contrasting views on the purpose of citizen clubs, vigilance committees, and other community associations, see Benjamin Shambaugh, “Frontier Land Clubs or Claim Associations,” in *Annual Report of the American Historical Association for the Year 1900* (Washington, D.C.: n.p., 1901): 1:67–84; Allan G. Bogue, “The Iowa Claim Clubs: Symbol and Substance,” *Mississippi Valley Historical Review* 45 (September 1958): 231–253. For an overview of the scholarship related to violence in the settlement of the American West, see Robert R. Dykstra, *The Cattle Towns* (New York: Knopf, 1968); W. Eugene Hollon, *Frontier Violence: Another Look* (New York: Oxford University Press, 1974); James A. Schellenberg, *Conflict Between Communities: American County Seat Wars* (New York: Paragon House, 1987); Richard Slotkin, *Regeneration Through Violence: The Mythology of the American Frontier* (New York: Harper Perennial, 1996).

Early settlers recognized the phenomenon themselves. As Francis M. Dinsmore, a Union veteran who settled on a claim in East Lincoln, Neosho County, in 1865, recollected in an oral interview with newspaper editor William Whites Graves: “Our first government was the vigilant committee organized for protection and to prevent claim jumping. This committee kept records of the claims of each man, etc., and likewise served as a court of justice. It gave an offender a trial and if found guilty usually banished him. The mandates were always respected. It never used violence in enforcing equity.”²⁴⁴ More succinctly, Cory summarized the situation this way: “if laws were not made for them in the regular way they would make them for themselves.”²⁴⁵

In the absence of legal authorities, local clubs mediated various categories of disputes. Neosho County was established in 1864 by an act of the state legislature; Labette County was formed out of the southern portion of Neosho in 1867. In the early years, both counties had only a rudimentary system of justice. Although a full set of officers was elected, these men were not trained in any way for the exercise of their offices. As the large number of “business card

²⁴⁴ “Francis M. Dinsmore” interview by William Whites Graves recorded in the latter’s *History of Neosho County* (St. Paul, Kans.: Journal Press, 1949), 1:300.

²⁴⁵ Cory, “Osage Ceded Lands,” 195.

advertisements” (typically found in the first column of newspapers) indicates, southeast Kansas did not lack attorneys, or at least those who called themselves such. In fact, lawyers flocked to southeast Kansas in anticipation of the looming legal battle they believed would be waged over land holdings. But most settlers were unwilling to trust their property to such men.²⁴⁶ Even those who were, found it difficult to pay the fees lawyers charged.

District Courts met twice a year (in the fall and spring), but there was no set place for these meetings. Neosho County rotated the court between several

²⁴⁶ The following advertisement indicates the potential role many attorneys wished to play: “Settlers upon the Osage Lands are hereby notified that the undersigned are now prepared to receive filings of settlement upon such lands to be presented at the Land Office in Humboldt by W. P. Bishop, who will attend in person and thus save the trouble and expense of each settler going to Humboldt. We will also attend at the Land Office at the time of proving and tender our services to those desiring assistance. Bishop and Perkins, Attorneys.” *Oswego Register*, July 30, 1869. T. F. Rager, an early attorney and justice of the peace, remembered that all of the lawyers were young (under the age of thirty) and inexperienced. T. F. Rager, “History of Neosho County,” in *History of Neosho and Wilson Counties*, ed. L. Wallace Duncan (Fort Scott, Kans.: Monitor Printing Co., 1902), 134, 138.

locations. In October 1867 the first term was held at the store of Roe & Denison about two miles northwest of Erie. The second term, in April 1868, met in a small, one-story, building that was also used as a school. The next term, in October 1869, was held in the upper story of the Gilbert building in Erie. The court continued to meet in the Gilbert building until the spring of 1871 when it was transferred to Osage Mission. There the court met in a hall over the Blue Wing Saloon. Judge Leander Stillwell commented in his remarks on the occasion of the inauguration of the first permanent courthouse in Neosho County in 1904, “this close proximity of the seat of justice to a place where liquid refreshments could be obtained was quite a convenience to many members of the bar of that period, and possibly, in a mild way, it was appreciated by the court.”²⁴⁷ Labette County’s District Court was established in 1867, but according to the county records did not hear any cases, which only began to be heard on a semi-annual basis in 1868. Moreover, unlike more established counties, neither Neosho nor Labette had the funds to support public officers; most elected officials were thus compelled to maintain their own farms in addition to fulfilling their public duties.

²⁴⁷ “Address of Judge L. Stillwell,” November 24, 1904, in Graves, *History of Neosho County*, 1:278; see also, Leander Stillwell, “Address Upon the Opening of the Neosho County Courthouse,” *Kansas Historical Collections, 1915–1918* 14 (1918): 181.

The size of the county, the lack of adequate roads and bridges (which made rapid travel impossible during much of the year), and the “part-time” status of county officials made “official justice” difficult to find, let alone obtain. As Nelson Case, explained, “they were so far away and the organization . . . was at the time so crude and imperfect, that little reliance could be placed by the settlers in this part of the county receiving any aid from the officers up there.”²⁴⁸

Settlers seldom had the patience to wait for the slow and (what often seemed to them) tedious wheels of justice. And, even when the settlers were willing and able to utilize the officials of the courts, they were frequently stymied by the rudimentary nature of the process as local justices of the peace vied with each other for “business” and issued contradictory rulings. Under the heading “Treason, Strategems and Spoils,” the *Neosho County Dispatch* reported the story of a court in Labette County that, in the middle of the trail and in its entirety, was “arrested and charged with the very tall crime of conspiring to resist and obstruct the execution of the sovereign laws of the land in the county of Montgomery.” When the Labette judge refused to recognize the authority of his Montgomery County counterpart, “the authorities of Montgomery declared Labette County in a

²⁴⁸ Case, *History of Labette County*, 48.

state of blockade” and initiated the early stages of “having the militia called out.”²⁴⁹

Confronted by these difficulties, settlers looked to local committees and clubs for help. As Austin Thomas Dickerman, the author of the constitution and bylaws of an early vigilance committee and the first county clerk of Labette County, explained: “It was the policy of the committee to give every person taken in charge a fair trial and mete out punishment according to the merits of the case. Banishment was a common penalty. It also was the policy of the committee to hang persons found guilty of grand larceny. . . . There were no appeals from the verdicts of this pioneer court, and no sharp lawyers to bring up technical points. Those who know say the brand of justice they meted out, while stern, was attended by fairness and a sincere desire to promote the public good.”²⁵⁰

In southeast Kansas, extralegal associations were given various names, such as “Settlers’ Clubs,” “Vigilance Committees,” “Soldiers’ Clubs,” “Claim Clubs,” etc., and were scattered throughout various counties. Created as a

²⁴⁹ *Neosho County Dispatch*, September 1, 1869.

²⁵⁰ A. T. Dickerman, interview by William Whites Graves, n.d., in Neosho County manuscript collection, Library and Archives Division, Kansas State Historical Society, Topeka (hereafter cited as “Neosho County manuscript collection”).

response to the initial atmosphere of legal confusion and judicial chaos southeast Kansas presented, the geographical boundaries of these clubs were undefined and often overlapped. Some were semipermanent and lasted for several years before disbanding; others were occasional and episodic, created in response to specific crises that confronted the communities. In each case, however, the fundamental purpose remained the same: to expose pretenders, to protect the rights of law-abiding settlers, and to maintain social order. As the *Neosho County Dispatch* explained to its readers, “The protection to the property and lives of individuals is imperatively required of society.”²⁵¹

One of the earliest of the cooperative clubs to be formed in Labette County was organized on January 5, 1867, in Labette City. Nominating Enos Reed to be secretary, the small group of neighbors meeting in Ed Mercer’s home asked him to record the details of their inaugural meeting.²⁵² Living at the edge of what they considered to be civilization, in the vicinity of men they believed to be savage, subject to the vicissitudes of weather they did not understand and certainly could not control, they were intent on doing everything “decently and in order.” It is striking to note how this small group of neighbors who met on a

²⁵¹ *Neosho County Dispatch*, September 29, 1869.

²⁵² The initial organizational bylaws were recorded in elaborate handwriting and have been preserved in the Neosho County manuscript collection.

Saturday afternoon in the dead of winter strictly adhered to the rules of parliamentary protocol.

They stipulated when meetings would be held (“the last Saturday in each month at one o’clock”), the procedure by which a special meeting could be called (“it shall be the duty of the President to call special meetings of the club whenever he may deem it necessary so to do”), and the number of settlers required to form an official meeting (“ten men shall constitute a quorum at all club meetings; any number of men less than quorum shall be considered insufficient to transact business”). They also laid out clear procedures to be used in regulating the settlement of the land adjacent to their farms: “Each member of the club shall have his or her name and the numbers of his claim recorded by the Secretary and any person not having such record with the Secretary shall not be considered a member of the Club nor be entitled to any protection from the Club.”

In creating a judicial procedure for protecting the property rights of its members, the group’s bylaws established a method by which claims to property ownership could be tested. At the very least, to even be considered as a possible owner, the would-be settler had to build a foundation at least fourteen feet square on the property. Within thirty days the house had to be completed—with a full roof and an entry door. Those unable to complete a house were required to show steady progress, by placing a new round of logs upon the structure at least once every seven days. But even this was not enough to establish a permanent claim—

the land itself had to be put under the plow. Only settlers who registered their claim with the club and proceeded to build houses and plow fields would be recognized as owners and thus entitled to protection by their fellow settlers. The fact that the settlers' progress was reported regularly to the members of the settlers' club ensured a paper trail that would stand up against the pretensions of claim jumpers; the fact that the settlers had to consistently maintain improvements upon the property, "as often as one day a week," protected the area from the machinations of land speculators who would stake out a property, hastily throw up a "log cabin" (usually composed of a few logs leaning against each other), and then wait for the value of the land to rise before selling it at an exorbitant profit to new settlers.

Although what is meant by the term "protection" is not clearly explained in these documents, the following story illustrates the kind of security clubs provided their members. In Neosho County in the late 1860s, a young, unmarried man by the name of Bob Campbell staked out a quarter-section claim. One winter, in need of the ready cash farmers in southeast Kansas seldom possessed, Campbell traveled to Missouri to find work and earn enough money to purchase supplies for the spring and summer. He left his small cabin locked up, with some furniture and a few cooking utensils in it, intending to return in a few months. When he returned in the early spring, however, he discovered that during his absence a man had moved into his cabin and even begun to plow his fields.

Instead of confronting him directly, Campbell went to his local settlers' club where he registered a complaint. Three men shortly thereafter visited the claim jumper, each with lariat ropes and guns. According to Cory, the claim jumper later revealed what happened next: "They wuz all three strangers to me, an' I don't know wher they come from ner wher they went to; but these two other fellers said I'd better get off; and I said I wouldn't do it. An' then one feller went to untyn' his lariat rope and puttin' a slip-knot into it, an' the other two fellers pulled out guns from sumers about ther close, an' they looked like mountain howitzers. I'll be damned if they didn't—to me, anyway. They didn't say nothin' more. But thet feller kept foolin' with his lariat rope and started to git off his horse. An' then, by gunny, I made up my mind I'd go. An' I went. An' you bet, I hain't ben on thet claim sence."²⁵³

Living on the "frontier," on land until recently inhabited by the Osages (a fact they were frequently reminded of by the presence of Indian peoples from the nearby Indian Territory), settlers were convinced that they were living at the edge of "civilization." A comment, imbedded within a description of a church social, clearly illustrates the kind of psychological pressure many settlers experienced. As he described the overflowing tables of "cakes, pies, fruits, jellies, ice cream, lemonade and candies" in the *Chetopa Advance*, Horner remarked, "It occurred to

²⁵³ Cory, "Osage Ceded Lands," 197.

me, that if I had been brought blindfolded, from my native ‘Hoosier State,’ and placed suddenly in the midst of that large, well-dressed, well-behaved and intelligent company, . . . it would have banished forever, even the very idea that this is a land of doubtful civilization, and the verge of savage dominions.”²⁵⁴

Horner’s anxiety was palpable, haunted as he was by the “very idea” of “doubtful civilization.” The identity the settlers had constructed for themselves required consistent and continual social reinforcement. Within this context, any behavior that threatened the social peace of the “well-dressed, well-behaved and intelligent company” of settlers could not be tolerated. As the *Neosho County Dispatch* urged its readers, “Society has a right to protect itself and the property of its individuals from danger, emanate from what source it will, and when the ordinary rules of action fall short of accomplishing the desired end, extraordinary ones must be invoked.”²⁵⁵

It was undoubtedly true, as the stories under consideration demonstrate, that men (and some women) of dubious past and character made their way to southeast Kansas. But—and this is where history diverges from the popular version of the “wild, wild west” myth—these people were not welcomed by the majority of settlers who had come to southeast Kansas with a deep desire for

²⁵⁴ *Chetopa Advance*, August 4, 1869.

²⁵⁵ *Neosho County Dispatch*, September 8, 1869.

order and a commitment to work as a community to build supporting interpersonal attachments and social networks. As the *Neosho Valley Eagle* explained, “The rough pioneers so common in the early settlement of some of the western States are few here. The ‘backwoodsman’ has but little show in a country like ours.” A correspondent for the *Southern Kansas Advance* agreed: “Chetopa may be set down as a genuine border town, in everything save the loose and profligate character of citizens who usually inhabit the extreme frontier of the West and South.”²⁵⁶

Historian Richard White has commented in his description of the settling of the West that “communities aspired to create order, predictability, security, mutuality, and familiarity. They promised a known, bounded world.” Paludan likewise argued that “in regions lacking controlled settlement strong respect for the necessity of an ordered way of doing things tended to prevail.”²⁵⁷ This was the reality that the settlers struggled to create for themselves in southeast Kansas. As veterans brought their wives and children with them to take up claims, build

²⁵⁶ *Neosho Valley Eagle*, June 13, 1868; *Southern Kansas Advance*, February 9, 1870.

²⁵⁷ Richard White, “*It’s Your Misfortune and None of My Own*”: A History of the American West (Norman: University of Oklahoma Press, 1991), 316; Paludan, “The American Civil War,” 1022.

towns, and establish communities, they were acutely conscious of their civic responsibilities. According to historian Earl Hess, “self-government was a system . . . in which the average citizen had a very real and personal stake.”²⁵⁸ An interesting comment in the *Osage Mission Journal* helps to elucidate the attitudes of the settlers towards their own responsibility for upholding and enforcing the law. After describing the activities of a “mob” in “cleaning out” a house of prostitution, the editor explained that the “mob then paid their respects to a house in the eastern part of the city, warning the inmates to leave or they would be dealt with according to the law.”²⁵⁹ Quite clearly, the people involved in this “mob action” did not think that they were acting in opposition to the law—they were upholding it by enforcing it. As author William Culberson has noted, “When civil government was not sufficiently organized or established to control or punish violators of public peace, community leaders of the Old West often took matters into their own hands, and met violence with violence. Vigilantism arose from practical needs in the absence of foundations regulating social order.”²⁶⁰ The

²⁵⁸ Earl J. Hess, *Liberty, Virtue, and Progress: Northerners and Their War for the Union* (New York: New York University Press, 1988), 12.

²⁵⁹ *Osage Mission Journal*, July 21, 1870.

²⁶⁰ William C. Culberson, *Vigilantism: Political History of Private Power in America* (New York: Greenwood Press, 1990), 2.

creation of settlers' clubs and vigilance committees allowed settlers in southeast Kansas to establish and maintain the institutions that made their communities function.

Settler society was governed by a set of (often) unwritten rules and assumptions. These assumptions governed the interactions of people within the nascent communities and were based on preconceived notions of race, gender, and class as well as fundamental convictions about the inherent differences between men, women, and children. To the early settlers, these convictions were at the heart of their notions of "civilization" and thus their defense was absolutely essential to the existence of the communities they were seeking to build. The editor of the *Kansas Democrat* explained: "Onward and upward and outward, should be the watchword of every true man. The coward only wavers and trembles and falters and turns back, such would better remain back. . . . The churches of the east, with all their pomp and pride, and paganism and good, send up no better record than does the stern pioneer, in his manly efforts to extend the boundaries of civilization, to care for himself, his wife and little ones. . . . Effort, hardships, hard work, beating back and over coming obstacles, strong men glory in. They take hold and lift themselves out of all difficulties, and become master of

every situation. They aid others too by example to stronger pulls and final success.”²⁶¹

The language is gendered and exclusively male—in southeast Kansas, according to the *Democrat*, weak and/or cowardly men were not welcome (nor, as one can reasonably assume, were strong and assertive women). In fact, the editor went on to strongly suggest that every “cowardly man” leave and return to “his wife’s people.”²⁶² The geographic boundaries of the settlers’ land were mirrored

²⁶¹ *Kansas Democrat*, July 21, 1870.

²⁶² For an introduction to scholarship that takes gender seriously in analyzing the settlement of the West, see Susan Armitage and Elizabeth Jameson, editors, *The Women’s West* (Norman: University of Oklahoma Press, 1987). See also Glenda Riley, *A Place to Grow: Women in the American West* (Arlington Heights, Ill.: Harlan Davidson, Inc., 1992); Susan Armitage and Elisabeth Jameson, editors, *Writing the Range: Race, Class, and Culture in the Women’s West* (Norman: University of Oklahoma Press, 1997); Julie Roy Jeffrey, *Frontier Women: “Civilizing” the West?* (New York: Hill & Wang, 1998), revision of the original published in 1979 as *Frontier Women: The Trans-Mississippi West, 1840–1880*; Gordon Morris Bakken and Brenda Farrington, editors, *The Gendered West* (New York: Garland Pub., 2001).

by behavioral boundaries; by failing to observe the latter the transgressor lost the privilege of inhabiting the former.

In southeast Kansas, those who were unwilling (or unable) to live by commonly accepted norms were not welcome. Anyone who violated them could no longer remain a member of the community; the penalty was either banishment or capital punishment. Justice demanded the removal of the criminal, not his rehabilitation. Those who violated the community's trust posed a direct threat that required immediate and strong action. Residents in Tioga, Neosho County, made this abundantly evident to a man by the last name of McGregor who had moved to the city in 1870. A boisterous and violent man, he was arrested for threatening the lives of citizens and transferred to the jail in Allen County. In jail, however, he became very ill. Finding hope in the relationships he had established in Tioga, he sent a pleading letter to Samuel Wickard (described in the paper as a "prominent citizen of Tioga") asking for money so that he could pay the fines associated with his crimes and be released from prison (which he blamed for his illness). Wickard responded positively and raised the needed money by asking for donations from other "prominent citizens." In sending the money, however, he laid down the stipulation that McGregor was never to return, stating that "if he did he would have to suffer the consequences."

When McGregor ignored this warning and returned to Tioga upon his release, the people were alarmed and took action. As the paper reported, "the

vigilance of our citizens being on the alert watched his movements until a favorable opportunity offered, when he was given ten minutes to make good his exit from the town, which he did *instantly*. This McGregor is a desperate character and always goes well armed. The next breach of his contract here, he won't be allotted ten minutes."²⁶³ The charity of the community, so graciously expressed in monetary donations, did not change the essential requirement that the person who transgressed the behavioral boundaries of the community must leave it. McGregor had demonstrated his unwillingness to abide by community standards both by threatening his neighbors and by not heeding the "advice" of its prominent citizens. This violation of social order (notably described in the paper as a "breach of his contract") could not be tolerated without serious damage to the social arrangement (i.e., the "contract") by which the community survived.

Historian Michael J. Pfeifer has used the term "rough justice" to describe the mentality of those who participated in extralegal committees in the nineteenth century. After making the observation that "historians have not noticed that extralegal violence also flourished in the Midwest into the late nineteenth century," Pfeifer roots this violence in the particular "cultural context" of the postbellum West, which "demanded the harsh, personal, informal and communally supervised punishment of what was perceived as serious criminal

²⁶³ *Tioga Herald*, November 4, 1871.

behavior.” In this way, “justice was lodged in the community. It was administered face-to-face with a measure of retribution that matched the offense, and it sought to ‘preserve order.’”²⁶⁴ A comment imbedded in a story recounted by the *Chetopa Advance* underscores the connection in the minds of these early settlers between law, vigilantism, and justice. After describing the horrific torture and murder of a local settler, Horner commented: “Justice cries out from the lonely grave and mercy will hide her face until the mercy they gave to poor ‘Milt’ is meted out tenfold to them.”²⁶⁵

The legal scholar Herbert L. Packer described this approach to confronting criminal behavior as the “Crime Control Model” of social justice. Based on the belief that the failure to bring criminal conduct under tight control will inevitably lead to the breakdown of public order and thence to the disappearance of an important condition of human freedom, the Crime Control Model assumes that “if the laws go unenforced . . . a general disregard for legal controls tends to develop. The law-abiding citizen then becomes the victim of all sorts of unjustifiable invasions of his interest. His security of person and property is sharply diminished and therefore, so is his liberty to function as a member of society.” Thus, instead

²⁶⁴ Michael J. Pfeifer, *Rough Justice: Lynching and American Society, 1874–1947* (Urbana: University of Illinois Press, 2004), 3.

²⁶⁵ *Chetopa Advance*, February 3, 1869.

of emphasizing the importance of due process, “the Crime Control Model requires that primary attention be paid to the efficiency with which the criminal process operates to screen suspects, determine guilt and secure appropriate dispositions of persons convicted of crime.”²⁶⁶ From this perspective, participants in extralegal associations did not see their behavior as being outside or above the law; they

²⁶⁶ Herbert L. Packer, *The Limits of the Criminal Sanction* (Stanford, Calif.: Stanford University Press, 1968), 158. Packer also notes that this attitude towards the criminal justice system shifted in the second half of the nineteenth century from concern for the safety of the community to concern for due process and the rehabilitation of the accused, especially among the elite. This cultural shift began to occur in the early 1870s among the elite of southeast Kansas. As an example of this shift, consider the following statement made by the editor of the *Erie* (Neosho County, Kans.) *Ishmaelite* in March 3, 1871. Commenting on a proposed law to limit the authority to pronounce a sentence of capital punishment to state governors, he wrote of his wish to outlaw capital punishment altogether, arguing that “if a man has done some act which renders him dangerous to the community, and unfit to run at large, the sensible plan is to safely confine him and put him to work doing something for the benefit of the community he has wronged, and not deliberately take him out and *choke* him to death with a rope, as is the *modus operandi* of most of the of our public executions in these days.”

were serving the law by punishing those who broke it. As Brown has concluded: “Americans did not feel any less public spirited when they participated in lynch law. Instead they saw vigilante participation as an act of public spirit in its own way as the election of upright officials. Americans felt that there were certain functions in preserving public order that the legal authorities would not, could not or should not be expected to perform. These functions the people themselves assumed as vigilantes.”²⁶⁷

This helps to explain why the leaders of the vigilance committees and settlers’ clubs were primarily the elite of southeast Kansas. In defending the existing social order, they were protecting their own places in society and upholding their vision for the future of southeast Kansas. Thus, while many settlers’ clubs in southeast Kansas were originally organized for the protection of private property, their concerns were not solely economic. In point of fact, for nineteenth-century Americans the protection of private property was an essential building block to the establishment of an ordered and structured society. Brown explained that, “The American community of the 18th and 19th centuries was primarily a property-holder’s community and property was viewed as the very

²⁶⁷ Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1975), 148–50.

basis of life itself.”²⁶⁸ Protecting private property, therefore, was one way of ensuring the achievement of the much larger goal—“the preservation of the hierarchical prerogatives of the dominant residents of the locality” through the imposition of “communally based solutions to the dilemmas of social order ostensibly provoked by serious criminal acts.”²⁶⁹ It was therefore because thieves violated the established order by threatening society with disorder and chaos that, as Horner explained in the *Advance*, “The hanging of a few of the thieves would be beneficial.”²⁷⁰

A good example of this can be seen in the response of southeastern communities to horse thieves. After noting that “there seems to be a great mania for horse and mule stealing, for a hundred miles along the Southern border of Kansas,” the *Southern Kansas Advance* advised its readers: “A vigilance committee may yet be needed.” The early newspapers are replete with notices about lost horses and with warnings similar to that of the *Neosho Valley Eagle*,

²⁶⁸ Brown, *Strain of Violence*, 105.

²⁶⁹ Pfeifer, *Rough Justice*, 7.

²⁷⁰ *Southern Kansas Advance*, July 20, 1870.

which cautioned its readers, “Horse thieves are plenty in this and surrounding counties. Watch your horses.”²⁷¹

For settlers, horses were absolutely essential to survival. Horses were the sole means of transportation; as the Union veteran Dinsmore remembered: “a riding pony was usually kept lariatied near the house to be used in . . . times of emergency.”²⁷² Horses also provided entertainment, as evidenced by the following notice in the *Neosho Valley Eagle*: “A little horse race took place in our town on Saturday the 13th in which a pony from Labette County took the stakes. Jacksonville holds some fast stock, and we’ve money that says so. Fetch along your rusty nags.”²⁷³ More importantly, in these early communities, horses were important status symbols. Cory explained, “For instance, Uncle David Fowler on Flat Rock Creek, lived in a five room house with a roof of sawed shingles; he actually had a team of good American horses. He was a bloated plutocrat. But then he was so kind and genial that we didn’t hate him. Then there was a somewhat larger class of aristocrats who had mustangs and Indian ponies. It must

²⁷¹ *Neosho Valley Eagle*, July 18, 1868; *Southern Kansas Advance*, July 13, 1870.

²⁷² Graves, *History of Neosho County*, 1:301.

²⁷³ *Neosho Valley Eagle*, June 13, 1868.

be admitted that they were a little inclined to be patronizing to us fellows who had to drive oxen to church.”²⁷⁴

Horse thieves, then, menaced not only the settler’s ability to improve his land, but also his standing in and engagement with the local community. The theft of a horse was a direct assault on the ordered community the settlers were seeking to establish. Judge Stillwell remembered, “People were most particular and ‘tetchy’ about their horses in those days.”²⁷⁵ In fact, settlers feverishly worked together to recover lost horses and to dissuade those so inclined from future thievery. *The Osage Mission Journal* reported, “During the summer several horses were stolen from the good people along Big creek. And they thinking the Kansas law slow to punish horse thieves, have organized themselves into a vigilance committee. We learn that about sixty of our best citizens belong to the organization and horse thieves visiting the neighbors in the future will doubtless have the pleasure of looking up a limb. Suspicious characters are taking the hint and leaving the neighborhood.”²⁷⁶ A brief report in a later edition of the *Journal* confirms that this was not an idle threat. Under the heading “Man Hung,” the paper told the story of “a man named Coleman, living on Flat Rock.” As the story

²⁷⁴ Cory, “Osage Ceded Lands,” 192.

²⁷⁵ Stillwell, “Address,” 8.

²⁷⁶ *Osage Mission Journal*, September 10, 1868.

explained, “he has been hung by a party of citizens on the supposition that he was a horse thief.”²⁷⁷

The Texas cattle trade posed another threat to property that the Settlers’ Clubs confronted. In the 1860s it was common practice for ranchers to drive their cattle through Labette and Neosho counties to northern markets. Like many Kansans in this period, settlers in southeast Kansas were united in their opposition to the cattle drive. Historian Craig Miner explained, “The farmers and ranchers of the state were understandably distraught at the prospect of roving herds trampling their crops, not to mention infecting their blooded cattle with ‘Spanish Fever,’ a type of pneumonia carried by ticks and not affecting the longhorns.”²⁷⁸ Thus, as the counties began to fill with people, one of the earliest concerns was how to stop the drive. The *Osage Mission Journal* informed its readers, “We understand that meetings have been held in many parts of Southern Kansas and that the people have resolved to stop this cattle importation at all hazards.” The *Journal* then proceeded to utter a warning to anyone who was thinking about driving cattle through the county: “Owners of good stock are alarmed and have taken precautions to prevent further introduction of Southern cattle into our midst. We

²⁷⁷ *Osage Mission Journal*, July 1, 1869.

²⁷⁸ Craig Miner, *Kansas: The History of the Sunflower State, 1854–2000* (Lawrence: University Press of Kansas, 2002), 135.

are not at liberty to state what these precautions are, suffice it to say, that we advise all owners and drivers of Southern cattle, if they value their property or their own lives, to avoid Neosho County. The people have annually paid tribute to speculating droves and are tired of it.”²⁷⁹

One of the meetings mentioned in the newspaper was held on September 9, 1868, in Osage Mission. At this meeting, the settlers unanimously passed the following resolutions: “Resolved, that we the people of Neosho County, in mass meeting, assembled in order to protect ourselves and our property from the ravages of disease introduced by such cattle do enter our solemn protest against the driving of the same into or through our county. Resolved, that we as a law abiding community are in favor of submitting to the laws enacted for our government; but when such laws are not enforced we are in favor of protecting ourselves and property by force if necessary. Resolved, furthermore, that we hereby invite every man in Neosho County to cooperate with us in our endeavors to protect our stock from diseases introduced by Texas and Indian cattle.”²⁸⁰

The structure of this set of resolutions is striking. The settlers first listed their grievances and then logically stated their own response. They were very

²⁷⁹ *Osage Mission Journal*, September 3, 1868; September 10, 1868, quoting the *Burlington (Kans.) Patriot*.

²⁸⁰ *Osage Mission Journal*, September 17, 1868.

concerned not to appear “out of control” or to behave as lawless vigilantes. The settlers wanted their actions to appear rational and orderly, they had been forced to defend their property against those who flaunted the law and they were only acting because the existing laws had not been “enforced.” The wording was official, describing their actions as a “solemn protest” against the “ravages of disease.” As the *Neosho County Dispatch* reported, “We learn that a number of farmers adjoining Erie, who have heretofore suffered a loss of stock by reason of the introduction of diseased cattle, propose taking such means as will prove a preventative to any further loss.” The next statement clearly explained their reasoning: “They have become satisfied that the laws upon the statute book are of but little value, and that a more summary dispensation of justice is necessary.”²⁸¹ In the minds of these farmers, taking extralegal action against lawbreakers was justified by the demands of justice. They were upholding the law by enforcing it themselves!

An example of this determination can be seen in a joint action that took place in the spring of 1869. A man named Dunn drove a large number of Texas cattle into Richland Township, Miami County, some eighty miles to the north of Neosho County. Convinced that the cattle were badly diseased and posed a serious threat to their own stock, local citizens took possession of the cattle and

²⁸¹ *Neosho County Dispatch*, May 27, 1870.

arrested the owners. When they brought Dunn and his workers before the local justice of the peace, however, the cattle traders were acquitted. After clearing them of the charge of driving diseased stock into the state, the justice asked the cowboys to leave the township. Before complying Dunn boasted that he would return with another herd of cattle at a later date. The *Neosho County Dispatch* recorded settler reaction to both the official inaction and the perceived threat: “The citizens of Richland Township have unanimously resolved that if the law will not protect them, they will take the matter in their own hands, and are determined that Texas stock and they diseased, shall neither be driven through the Township nor herded in it, and ask the co-operation of the citizens of other Townships in the matter. They claim that it is done for self-protection, and ‘propose to fight it out on this line if it takes all summer.’”²⁸²

In the worldview of nineteenth-century immigrants to southeast Kansas, certain crimes threatened the essential structure of society. To allow those who committed these heinous acts to go unpunished would initiate a process that would quickly destroy all that they were sacrificing so much to build. Thus, even when they were forced to create their own systems of justice, because of the absence of strong official legal structures, this did not imply disrespect for the official structures that did exist or an unwillingness to be governed by law. In fact,

²⁸² *Neosho County Dispatch*, May 25, 1869.

the opposite was true. The safety of the community depended upon the swift execution of justice. If the established authorities could not (or would not) enforce it, it became the responsibility of the law-abiding citizens to ensure that it was done.

Perhaps no story illustrates this better than the brutal tale of murder, abduction, and gang rape that occurred in the summer of 1870 in Ladore, a small town in south-central Neosho County. On May 10 a group of seven men entered the town and, after a few hours of drinking in the local saloon, proceeded to terrorize the citizens. After screaming obscenities at those they found on the streets and firing pistol shots repeatedly in the air, the drunken men advanced to the largest house, built on the outskirts of town. Forcing their way into the home, they were met by the owner, I. N. Roach. Beating him with their pistols and clubs, they left him unconscious and covered in blood on the floor of the front room. Stationing a man outside to guard against any outside interference, the remaining men savagely tortured and raped Roach's two young female servants throughout the night. As reported in the *Osage Mission Journal*, the crime was especially abhorrent given that "the two girls were sisters, and one of them was not twelve years old." During the night, apparently a quarrel erupted between the attackers and one was critically wounded. When his dead body was discovered the next morning, immediately, "the alarm was given—an organization effected and pursuit commenced." A posse of almost three hundred men set out in pursuit and

quickly caught the (now) six men. A hasty trial followed in which it was decided that five of the men involved deserved to die. Since the sixth man had remained outside the house and thus had not participated in either the beating or the rape, he was turned over to local authorities. Rope was brought and the men sentenced to death were suspended from the limbs of a large hackberry tree that grew near the town along the banks of the Labette River. It was their lifeless bodies that first greeted the sheriff and coroner as they made their way to Ladore. Upon entering the town, the coroner summoned a jury and initiated an inquest while the sheriff arrested the lone living perpetrator. The *Journal* summarized what happened next: “In the case of the man who was shot, the jury returned a verdict that the deceased came to his death by reason of a pistol shot discharged by a person unknown, and inflicted while the deceased was attempting to commit a rape. The verdict in the cases of the five men who were hung was that ‘they came to their death by reason of strangulation inflicted and caused by persons to the jury unknown.’”

Since the men who served on the jury were residents of Ladore and eye-witnesses to the events that had transpired, it defies logic to believe that they were unaware of who was involved in the hangings. Yet, as the *Journal* informed its readers, “The most rigid questioning of witnesses by the Coroner, failed to elicit any information as to who were concerned in the lynching, although it is said that more than three hundred of the most respectable men of the community witnessed the affair.” Quite clearly, therefore, the men of Ladore believed that their actions

were justified. The crime had been so abhorrent that immediate action was required to restore integrity to the community whose social order had been so violated. The editor of the *Journal* was forced to concur: “we exceedingly regret that any persons should deem it necessary to take lives of human beings ‘without due process of law’—Heretofore, we have borne the reputation of being a law abiding people. If the people of Ladore and vicinity have forfeited it they certainly had grave reason for their proceedings. If justification is possible, *they are justified.*”²⁸³ The editor of the *Kansas Democrat* agreed by noting: “We are opposed to mob law upon general principles; but under the circumstances which surrounded this shocking crime, the sooner an outraged community suspends the scoundrels between the heavens and the earth, the better.” Horner, while editor of the *Southern Kansas Advance*, was quick to add his word of approval: “The citizens of Ladore deserve the thanks of every decent person, for hanging these vile scoundrels who by their acts have thrown the atrocities of the savage Indians into the shade.”²⁸⁴

²⁸³ *Osage Mission Journal*, May 12, 1870.

²⁸⁴ *Southern Kansas Advance*, May 18, 1870; *Kansas Democrat*, May 26, 1870. The *Advance*’s reference to “the atrocities of the savage Indians” is quite revealing. The settlers defined themselves as “civilized” by comparing themselves

In conclusion, it is important to underscore that these early settlers did not believe that their actions were in conflict with the law but instead understood themselves to be cooperating with official personnel in order to enforce existing statutes, defend their loved ones, and protect their communities against injustice and disorder.²⁸⁵ They were willing to abide by the law and to allow legal authorities to enforce it. But when the political situation was unresolved and they

to the savage “other” (i.e., nearby indigenous peoples). The actions of the white men in assaulting the young girls therefore called into question the nature of settler society and thus could not be tolerated.

²⁸⁵ Another example of this attitude is revealed in the manner in which settlers responded to the disappearance of two of its prominent citizens in 1870. After noting that there “can be but little doubt that either one or both parties have fallen victims to a murderous conspiracy,” the *Osage Mission Journal* applauded the people of Elston for their proactive response and urged the officials to coordinate their efforts to support the community: “We understand that the citizens of Elston are doing all they can to clear up the mystery and it is proper that the representatives of law and order all over the country should use their authority in aiding them. When innocent and unoffending citizens become the victims of foul strategy at our very doors it is high time that the people woke up to self-protection” (*Osage Mission Journal*, July 21, 1870).

were uncertain that justice would prevail, settlers in southeast Kansas refused to sit by and allow lawbreakers to destroy their lives and steal their property. An interesting confirmation of this can be found in the July 27, 1870, edition of the *Southern Kansas Advance*. After reporting that the man who was not hung for the crime in Ladore had escaped from prison, Horner remarked, “His escape still further justifies the actions of the citizens in hanging his compatriots.” The inability of official authorities to bring criminals to justice legitimated the actions of the law-abiding citizens in executing justice themselves.²⁸⁶

From the vantage point of twenty-first-century social norms, these settlers were taking the law into their own hands. Their remembrances—gathered here—demonstrate that they viewed their actions differently. The men who came to southeast Kansas brought with them fundamental assumptions about their role as guardians of social order and protectors of women and children. When forced, of necessity, to leave their wives and children alone and defenseless for long stretches of time as they labored in the fields from dawn to dusk and/or traveled to distant towns for winter work and/or supplies, they depended on the moral decency of their neighbors and incoming settlers. Any assault on their property or their families was a direct attack on the social order they were seeking to establish

²⁸⁶ *Southern Kansas Advance*, July 27, 1870.

and neither would nor could not be tolerated. Their participation in extralegal associations would therefore continue as long as elected officials were unable or unwilling to uphold their vision of a lawful ordered society.

Chapter 3: “Let us have Peace:” Stability on the Osage Ceded Lands, 1870-

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On April 17, 1869, the Humboldt *Union* (the “Official Paper of the Land Office”) published encouraging news for settlers on the Osage Ceded Lands. According to dispatches just received, a Resolution had been passed by Congress and approved by the President guaranteeing that their land, “a strip 30 miles wide across the east end and a strip 20 miles wide on the north side of the Osage lands,... can now be sold to actual settlers in the same manner and at the same price as other public lands.”²⁸⁷ As news spread throughout Labette and Neosho Counties, excitement grew. Enthusiastic newspaper editors congratulated the settlers, assuring them that the Resolution and its accompanying instructions to the Land Office “fully settle the Osage Land Question in favor of the actual settler.”²⁸⁸ As the editor of the *Osage Mission Journal* announced, “In common with our entire community and the great body of settlers on the Osage Lands we

²⁸⁷ *Humboldt Union*, April 17, 1869. The Resolution to which the paper was referring was passed by Congress on April 10, 1869.

²⁸⁸ *Osage Mission Journal*, June 17, 1869.

rejoice that this vexed questions of title has at length been adjusted ... A great feeling of relief is experienced by all.”²⁸⁹

Believing that their rights had been vindicated, in anticipation of the opening of the Land Office in September, settler meetings were held in various locations throughout the summer to celebrate and declare their commitment to support each other at the Land Office where they would go to file their claims. Meetings were held in Neola (June 17th), Erie (June 30th) and in many locations on July 4th. The final meeting was held in Jacksonville on July 28th. As reported by the *Chetopa Advance*: “The largest assemblage ever gathered in southern Kansas convened to listen to the distinguished speakers who had been announced to be present. Men, women and children, in wagons and on horseback, on foot, by every conceivable mode of conveyance flocked to the grove adjacent to town at an early hour of the morning. The Oswego Band came in on time as they always do with music hard to be matched.”²⁹⁰

After listening to speeches during the day, the crowd celebrated late into the evening. As many as two thousand people gathered in the public square to participate in what was billed as “Pomeroy’s Funeral.” An effigy of Senator Pomeroy, long suspected by the settlers to be on the payroll of monopolists and

²⁸⁹ *Osage Mission Journal*, June 24, 1869.

²⁹⁰ *Chetopa Advance*, August 4, 1869.

speculators, was suspended above the ground and, as the settlers screamed and yelled, set on fire. The revelers then set in for a long night of music and dancing, followed by another day of speeches. All in all, as reported by the *Osage Mission Journal*, “great enthusiasm prevails(ed).”²⁹¹

The settlers were soon to discover that their enthusiasm was premature. The Land Office officially opened its doors to settlers on the Osage Ceded Lands on September 2nd. Many settlers traveled across the northern Neosho County line to Humboldt to register their claims; when they arrived, however, to their dismay, they found railroad lawyers waiting for them. As the *Osage Mission Journal* explained: “The great majority of settlers on the Osage Lands affected by the joint resolution had made arrangements to attend to perfect their claims and expected to do so with but little delay or trouble where they came within the beneficial provisions of the act in question. But at the outset they were doomed to disappointment and found that the railroad companies claiming a large portion of these lands under grants of Congress withdrawing them from sale for the benefit of such roads were intending to contest every claim made and if possible keep it from the settler.”²⁹² The *Neosho County Dispatch* reported a similar sense of disappointment: “Upon passage of the joint resolution, a large majority of the

²⁹¹ *Osage Mission Journal*, July 29, 1869.

²⁹² *Osage Mission Journal*, September 9, 1869.

settlers felt quite jubilant over the prospect of soon realizing this long desire but are now again doomed to disappointment by the construction put upon it by the wise men who passed and the long-headed officials who are to carry out its humane and magnanimous provisions.”²⁹³

According to the reports that circulated, several obstacles were put in the way of the settlers. Buried within the Resolution passed by Congress (and thus not emphasized by the local papers) had been an agreement that the railroads could lay claim to the odd numbered sections that lay within 10 miles of either side of the road. Thus, many settlers thus found that their claims could not be entered because they had already been claimed. In addition, under heavy pressure by railroad lawyers, land agents chose to interpret the Resolution’s mention of “bona fide settlers” very strictly. As one settler (who signed his name as C.) bitterly complained, “Young men who have made improvements on odd sections or even sections outside of the ten mile limits but boarded with a neighbor and cultivated and improved their claims cannot enter under the present rulings.” Each settler who came forward to present his claim found himself grilled by an attorney from the railroads; as noted by C., “The railroad Attorney, Dr. Torbert, subjects all parties applying to enter odd numbered sections and the even numbered sections outside of the first ten mile limits to a very rigid cross

²⁹³ *Neosho County Dispatch*, September 22, 1869.

examination.”²⁹⁴ The *Neosho County Dispatch* reported that out of the two thousand petitions initially received by the Land Office, only sixty were approved.²⁹⁵

In this chapter, I discuss the manner in which the settlers responded to the threats confronting them. The settlers in the Osage Ceded Lands were fortunate in that they were able to witness a similar struggle being waged by their co-settlers on the land immediately to their east, the Cherokee Neutral Lands. These settlers had chosen to respond to the railroad threats with violence and the territory disintegrated into a Balkans-like labyrinth of attack and counter-attack. The settlers on the Osage Ceded Lands made a different choice. Confronted with the threat of losing their lands and thus their communities, the settlers chose not to take up arms but instead concentrated their efforts on building effective political and social institutions that could fight the railroads in the courts. This choice was significant in that it transformed the trajectory of societal evolution away from the influence exercised by extra-legal Committees and Clubs to that offered by the normative institutional political and religious structures of post-bellum Kansas. The chapter ends with an examination of the role played by religious communities

²⁹⁴ Letter to the editor, dated September 5, 1869; printed in the *Osage Mission Journal*, September 9, 1869.

²⁹⁵ *Neosho County Dispatch*, September 22, 1869.

in the solidification of social order in southeast Kansas. Finally, I suggest that the human capital produced by these communities was invaluable in the ongoing fight against railroads and monopolies.

In 1870, settler society in southeast Kansas was an important crossroads. Settlers were frustrated and very angry; settler C. dryly noted, “Considerable feeling among the settlers here toward the railroad agents.”²⁹⁶ The *Dispatch* explained, “The hard-fisted yeomanry do not understand why it is they are prevented from securing homes by the officers of the local office ... Four-fifths of the settlers in this and Labette counties are honorably discharged soldiers who, upon the termination of the war, came to Southern Kansas with the view of making it their future home and having led four years of degraded camp life in the army are not so fascinated with the manner thereof as to continue therein now that the mantle of the civilian rests upon them.”²⁹⁷ In similar fashion, the *Osage Mission Journal* made the settlers’ displeasure very clear as it declaimed “the spirit of Shylock avarice thus shown has already caused a bitter feeling of

²⁹⁶ Letter to the editor, dated September 5, 1869; printed in the *Osage Mission Journal*, September 9, 1869.

²⁹⁷ *Neosho County Dispatch*, September 22, 1869.

opposition to spring up among the settlers who will not submit to any injustice or chicanery in this matter so vital to them all.”²⁹⁸

Within days of the opening of the Land Office, as news of the difficulties circulated, a renewed sense of “anxiety” and “angst” gripped the settlers. Convinced that their rights were being violated by a conspiracy of greedy monopolists and corrupt politicians, a large number of concerned settlers gathered on September 15th in Jacksonville. After several fiery speeches in which the perceived collusion between the Land Office and the railroads was roundly denounced, the assembled men agreed to hold another series of meetings throughout the Ceded Lands – in Erie on the 1st Saturday in October, Osage Mission on October 4th, Ladore on October 5th, Jacksonville on October 6th, Oswego on October 7th, Elston on October 8th and McCormick’s, Big Hill on October 9th. The purpose of these meetings, as noted in the *Dispatch*, was “to take into consideration the status of affairs in regard to the entry of the Osage Lands under the joint resolution of April 10th, 1869 ... Let the people turn out and unite on some method of securing their rights.”²⁹⁹

The question faced by the settlers was what they should do next. Their options were limited; with their backs against the proverbial wall, and their

²⁹⁸ *Osage Mission Journal*, September 9, 1869.

²⁹⁹ *Neosho County Dispatch*, September 29, 1869.

homesteads threatened, they could easily have resorted to violence. But they did not – instead choosing to pursue a legal battle by fighting both the Land Office and the railroads in court. As a correspondent of the *Lawrence Tribune* who visited Jacksonville in the summer of 1870 explained, “The feeling against the railroad is as bitter as ever, but the threats of violence have given way to an earnest determination to test the validity of its title in the courts and in the halls of Congress to the last.”³⁰⁰

This choice – not to use guerilla-style violence but instead to use available legal means – is all the more important to note because of the violence that was pursued by their neighbors, the settlers living to their east (present day Cherokee and Crawford Counties). Settlers in the Osage Ceded Lands were deeply interested in the ongoing struggle being waged on these lands (called at the time the Cherokee Neutral Lands). In many respects, the situation of settlers on the Osage Ceded Lands and the Cherokee Neutral Lands was similar. Both groups had come as squatters upon receiving the news of pending treaties with Native peoples. Both faced the rival claims of railroads and, within a context of legal uncertainty, were forced to form extra-legal Clubs and Committees to record claims and establish social order. In fact, from the beginning, settlers from both regions had joined together in political rallies and community festivals. It was

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Quoted in the *Osage Mission Journal*, June 23, 1870.

common for local Clubs and Committees through Labette and Neosho Counties to end their meetings with statements of support similar to the following resolution: “RESOLVED: that to the settlers on the Cherokee Neutral Lands who are sought to be divested of their homes by the nefarious schemes of a corrupt speculator, ones James F. Joy, we extend our earnest sympathy and assure them of all the assistance and co-operation in our power.”³⁰¹ Passed by settlers who had gathered in Erie on March 20, 1869 to urge Representative Sidney Clarke to defend their interests in Congress, it illustrates the solidarity settlers on the Osage Ceded Lands felt with the settlers on the Cherokee Neutral Lands.

But there were significant differences as well. Specifically, the Neutral Lands had been sold *in toto* to the railroad magnate and land speculator James Joy. Unlike the Osage Lands, where the railroad claims were based on disputed interpretations of treaties, Joy’s claim was based in contractual law and thus on more solid legal ground. Furthermore, the controversy on the Cherokee Neutral Lands exploded several years before the crisis came to a head on the Osage Ceded Lands. On the Cherokee lands, as settlers were forced to choose between purchasing their lands from the railroads and waiting to purchase their lands under the Homestead Act, violence erupted between settlers. This violence threatened

³⁰¹ *Neosho Valley Eagle*, March 22, 1869.

not only the order and stability of the existing communities in Cherokee and Crawford Counties, but also seriously slowed the influx of new settlers.³⁰²

The lesson of extra-legal clubs and vigilance committees gone wild was not lost on the veteran settlers in Labette and Neosho Counties. Commenting on recent attempts by Cherokee county agitators to enlist support among the settlers on the Osage Ceded Land, the editor of the *Neosho County Dispatch* pointedly rejected any similarity between the two groups: “The question comes up right here, why are these speeches made in Neosho County where the interests and troubles of our people are not at all identified with those on the Neutral Lands? Are we in any way responsible for the acts that have been committed by Mr. Laughlin or his followers? Most certainly not. It seems very much as though Mr. L. has gotten his people into a serious difficulty and, as misery loves company, seeks now to involve us.”³⁰³

³⁰² This is the original meaning of the term “Little Balkans” to refer to Crawford and Cherokee Counties. Although this term would later come to refer to the presence of central and southern Europeans who came to work in the mines, its original use referred to the intra-settler violence that reminded Kansans of the ethnic, intra-tribal strife which had recently engulfed the Balkans in Europe.

³⁰³ *Neosho County Dispatch*, June 22, 1869.

The *Dispatch* was not alone in decrying the violence in which Cherokee County was engulfed. Looking eastward and reacting in horror to the stories emanating there from, John Horner of the *Chetopa Advance* urged his readers in bold letters: “LET US HAVE PEACE.” He explained, “The condition of anarchy which now exists upon what is known as the ‘neutral lands’ and the deleterious and disastrous effects it has exercised in retarding the development of the country and in turning aside the tide of immigration from the counties of Crawford and Cherokee is an irresistible argument against a resort, by any people, to violent or irregular measures to secure their rights.” Horner was walking a tight-rope here, and it is clear that he knew it. Not wanting to appear to be taking the side of a land monopolist in the conflict, he hurriedly continued, “We condemn the policy and deplore the effects of such legislation as that by which Mr. Joy became possessed of the 800,000 acres of lands over which the iron scepter of monopoly has been extended. The settlers upon these lands had been led to expect pre-emption and homestead rights.” Horner wanted his readers to understand: he was on their side. However, he also was eager for them to recognize the important lesson to be learned from the way in which the settlers had mismanaged their opposition to Joy. “However great the disgrace which this legislation has inflicted upon the nation, and however hostile it may have been to the genius and spirit of our republican government, we have always opposed and shall forever

oppose an appeal to any other than the legally constituted authorities, for the redress of these grievances.”

Why? According to Horner, the key point was that “any organization which interferes with freedom of speech and opinion, which uses or threatens violence or resorts to unwarranted and overt acts, can only jeopardize the interest of the settlers.” To Horner, there was an additional reason to avoid the debacle of the Neutral Lands; as he stated, “Hundreds of settlers are leaving the neutral lands on account of the chaotic condition of things, only too glad to get to Labette and Neosho Counties where peace and quiet prevail. Their towns have ceased to grow, improvement has stopped, uncertainty prevails and the evils of anarchy exist.”³⁰⁴

A few months later, as violence continued unabated on the Neutral Lands, the *Neosho County Dispatch* drew a similar conclusion: “Violence and mob law will only have a tendency to alienate the sympathies of the law-abiding people and re-act to the detriment of the parties interested.”³⁰⁵

What is most interesting about this evolution of social consciousness is that an older cultural idea of “local sovereignty” was pulled into and reconciled with a new emphasis on “due process” and “law”. Consider the following

³⁰⁴ *Chetopa Advance*, July 14, 1869.

³⁰⁵ *Neosho County Dispatch*, August 3, 1869.

announcement: “The settlers on the Cherokee Strip and on the Osage Ceded Lands are notified that a meeting will be held at the house of Mr. John Davidson, situated on Lake Creek at 10 o’clock Monday morning, Feb. 21st, to consider the steps necessary to be taken for the establishment of a Herd Law, either for the whole county of Labette or for local districts, as the meeting may consider best.”³⁰⁶ Much about this is familiar; local settlers are concerned about roaming cattle. They call a meeting to discuss the issue and to take action. This is recognizable behavior from the late 1860s; however, it is the proposed action that has changed. The solution which they propose is new – they declare their intention to take “steps necessary ... for the establishment of a Herd Law.” Instead of drafting their own “resolutions” and creating their own “laws,” they are now working together to influence the political process for a county-wide law.

A similar change of focus can be discerned in an interesting editorial in the *Kansas Democrat*. Under the heading, “Gambling Hall,” the editor wrote disapproving, “Oswego is cursed with a first-class gambling hell.” He then chided his readers, “Really, we are a city. Let us reflect a moment. We claim to be civilized and Christianized; we boast of our churches, Sabbath schools and free schools and two live newspapers, one of which has been running nearly two years, a good Republican paper at that, and yet Oswego in some shape or manner

³⁰⁶ *Southern Kansas Advance*, February 9, 1870.

has not been without her gambling holes.” He was clearly advocating for change: “Let us say to the good people of this town and city; for we are a city with a Mayor and city Fathers, that a gambling hall ... is a shame and disgrace to a city of such enterprise as Oswego.” It was now time for the authorities to properly interpret and enforce the laws: “It is a pitfall in the pathway of our youth and older men that should not be permitted to exist under the laws of our city.”³⁰⁷

According to these community leaders, the time had come for the extra-legal settlers clubs and vigilance committees to be disbanded. They were, they argued, a short-gap measure necessitated by the primitive infrastructure of the Counties. The long-term goal was to develop judicial and legal institutions that would be responsive to local concerns and needs. Horner stressed this in an editorial printed in early February of 1870; reflecting on the changes that would occur when the railroads came to Chetopa, he warned the citizens, “An immense immigration will be thrown in upon us, our town will be crowded to an overflowing, an army of adventurers will swarm in upon us, thieves, gamblers, pickpockets, will blossom out on every corner.” The only solution, according to Horner, was to organize Chetopa as a city “at the earliest practicable moment.”³⁰⁸

³⁰⁷ *Kansas Democrat*, July 14, 1870.

³⁰⁸ *Southern Kansas Advance*, February 9, 1870.

As the organizational structure within the Counties evolved, the structure of the original Settlers' Clubs and Vigilant Committees changed as well. This was not a consecutive process of cause and effect; it was not that the changes in the administrative structure of the courts forced the hands of the Clubs and Committees. Both were happening at the same time; each influenced the changes experienced by the other. In fact, many leaders of local Clubs and Committees took up roles in the official institutional structures.³⁰⁹

An early indication that the structure of the various Clubs and Committees was beginning to change can be found in the large gathering of settlers that had met in Jacksonville on July 28, 1869 to celebrate the Resolutions of Congress and their victory over the monopolists. During the day, the crowd was harangued by political speeches stressing the importance of coming together to defend their lands. After the raucous night of dancing and celebrating, on the following day, July 29, the crowd reassembled for more speeches. The keynote speaker was Representative Sidney Clarke, who, according to the *Advance*, "deplored the growing influence of monopolies and denied the right of the Senate of the United States to alienate the public domain." Clarke then called upon all who were present to band together and work as a community in the defense of their rights.

³⁰⁹ For example, A. T. Dickerman who had served as secretary of an early Labette County Vigilant Committee became the first County Clerk of Labette.

As we have noted, this was not a new concept for the settlers; it is exactly what they had been doing since they had emigrated. But Clarke's call was new in one respect; instead of calling them to take control of the situation locally, "he counseled them to seek redress in the courts through the forms of law, in a determined effort to maintain their rights."³¹⁰

In the early 1870s, legal authorities struggled to establish themselves as the defenders of justice and upholders of community order. The following story, reported in the *Osage Mission Journal*, discussed one aspect of this change. After reporting the arrest of a "couple of rural gents" who had come to town and drunk themselves into noisy pests, the *Journal* noted, "This is the first arrest ever made in our city for the offense of being 'drunk and disorderly' but we are glad to learn that Mayor O'Grady intends to have peace and good order prevail if the citizens will cooperate with him. Under *the new order of things* it will cost from \$10 to \$25 to have "an old fashioned drunk" in Osage Mission."³¹¹

By the early 1870s, both Labette and Neosho Counties had established courts of law that were beginning to assert themselves in legal cases. It is at this time as well that the attorneys practicing law within the 7th judicial district met to officially form an "Attorney's Association" out of perceived necessity to "reduce

³¹⁰ *Chetopa Advance*, August 4, 1869.

³¹¹ *Osage Mission Journal*, January 6, 1870. Emphasis added by author.

the practice of the law to a system of uniformity for the government of all.” In an obvious attempt to distance themselves from the extra-legal system that had been active in regulating legal questions in southeast Kansas in the early chaotic years of the counties’ settlement, the attorneys proposed the formation of a “permanent organization” so that they would be able to “to maintain the dignity and character of each individual member of the Bar.”³¹²

Transportation had dramatically improved with the building of bridges and roads throughout the Counties. In addition, as settlers continued to immigrate, the open space between claims was shrinking; it was thus more difficult to strangers to “jump” the claims of “old-time settlers” unnoticed. This was observed by Captain W. J. Haughawout, a member of the land appraising party of the Union Pacific Southern Branch railroad, in a diary entry entitled: “Camp on Labette, January 3, 1870.” Haughawout, who had passed through southeast Kansas as a Union soldier in 1865, noted, “I find great change in the counties of Neosho and Labette, since I traversed them in the time of the war; then a vast wilderness, now densely populated by an intelligent, energetic and wide-awake class of people,

³¹² As reported in the *Neosho Valley Eagle*, April 20, 1869. A similar decision was made by the doctors of Neosho and Labette County in May of 1870. See *Osage Mission Journal*, May 19, 1870.

principally from the states of Illinois, Ohio and Iowa.”³¹³ These settlers had taken up claims and established themselves as active members of the developing communities. Horner was pleased to announce “the arrival of a number of claim hunters from Missouri and other parts, who have taken claims and have come to stay as actual settlers, and who do not belong to the four pole and thirty days class, who have claimed and cursed the country like a swarm of locusts from time immemorial; but who have come with their wives and babies to make permanent homes among us. This is the class of settlers we need and not those who take a claim for the romance and name, and then go back to settle up some business and wait until the country settles up without their aid.”³¹⁴

As people became familiar with one another, the hazy atmosphere of newness and uncertainty that the speculators and claim-jumpers had used to their advantage evaporated; in its place set patterns of social intercourse emerged.³¹⁵ It became possible, as the *Osage Mission Journal* advised its readers, for citizens to

³¹³ Diary of W. J. Haughawout, January 3, 1870. Printed in the *Southern Kansas Advocate*, January 26, 1870.

³¹⁴ *Chetopa Advance*, March 10, 1869.

³¹⁵ Note the references to the “established old towns of the East” in the *Advance* and “many older towns” in the *Journal*.

“be on their guard against certain suspicious characters loafing about saloons, &c, with no visible means of support.”³¹⁶

The early 1870s was thus a time of great organization growth and solidification in southeast Kansas. Chief among the institutions essential to the creation of social order were the churches. Certainly, from the initial days of immigration, settlers had understood the importance of religion to the establishment of order on the plains and had worked to build up religious communities. As an early correspondent announced in the *Neosho Valley Eagle*, “With the banner of Jesus Christ flung out to the breeze and putting our whole trust in God our Creator, and the deep interest manifested by Christians everywhere we expect to spread gospel holiness all over this new Country in an unusual length of time. Ministers of the gospel of Christ have been sent among us, Sabbath schools and Churches have been organized everywhere. Prayer meetings, male and female, are kept up weekly in many communities.”³¹⁷ This perspective is also evident in an early editorial in the *Chetopa Advance*. Horner had announced his great joy “to observe how generally our religious meetings are attended.” As he explained, this was because well-attended religious meetings were “a cheering promise of that high cultivation which is soon to crowd the

³¹⁶ *Osage Mission Journal*, January 20, 1870.

³¹⁷ *Neosho Valley Eagle*, May 16, 1868.

magnificent valleys of Southern Kansas with an energetic, teeming population and make our fertile prairies 'to bud and blossom as the rose.'"³¹⁸

Few among the early settlers disagreed with this notion; the *Osage Mission Journal* noted in its report that the Baptist Church was about to be completed, "We hope our citizens generally will each give to the accomplishment of this public enterprise, irrespective of denominational bias or character. Everyone in town is more or less benefited by building up churches, of whatever kind, and we hope will give their mite toward the erection of every such structure which shall be projected in Osage Mission."³¹⁹

In fact, the vitality of the developing religious communities was something upon which visitors to southeast Kansas remarked. A reporter from the *Fort Scott Monitor* explained after a visit to Chetopa in February 1870, "In a moral point of view, Chetopa is certainly an exception among Western towns. No people in the State patronize the church more liberally or are more zealous in the cause of Christianity, then the citizens of Chetopa."³²⁰ Had this reporter visited other southeast Kansas towns, he would have witnessed similar patronage. The *Osage Mission Journal* observed, "The number of people who regularly attend the

³¹⁸ *Chetopa Advance*, February 17, 1869.

³¹⁹ *Osage Mission Journal*, September 22, 1870.

³²⁰ Quoted in the *Southern Kansas Advance*, February 9, 1870.

House of God is usually a fair index to their intelligence and enterprise. This place in this respect will compare favorably with many older towns. Our places of worship are crowded every Sabbath by appreciative and attentive congregations.”³²¹

Significantly, by 1870 religious communities had been established in every community in both Neosho and Labette Counties and many were in the process of building houses of worship.³²² As reported by the *Advance*, “If the ranks of wickedness have been filled so have the ranks of those whose duty it is to persuade them into better ways. Major McCreery of the Presbyterian fold has had a year of success—has added largely to his flock—and bettered his facilities for further additions. Rev. Evan Jones, long years a laborer in the vineyard of his Master, has sought a home among us to enjoy in good old age a grateful respite from the labors of a noble life of usefulness. Rev. Bateman, the genial kind hearted fisher of men, is doing a good work. We like the ring of his sickle in the fields white for harvest. There is yet much hard evangelical work to be done

³²¹ *Osage Mission Journal*, February 11, 1869.

³²² For example, Fr. John Schoenmakers reported that “Ten churches have been erected in this portion of Kansas, within one year, and others are under construction” (*Osage Mission Journal*, September 29, 1870).

before the Devil relinquishes his determination to lay his head right on this community.”³²³

Church communities were a focal point for a network of social relationships reinforcing the moral values settlers had brought with them to the West.³²⁴ Membership in religious communities created important social networks which would prove crucial in the looming struggle against the railroads. As reported in the *Oswego Register*, ministers took upon themselves the responsibility of leading their communities. “Rev. H. W. Conley, pastor of the M. E. Church, preached a practical sermon last Sunday morning. He admonished the hearers to take a more active part in matters pertaining to their temporal welfare: to discountenance under all circumstances everything having a tendency to

³²³ *Southern Kansas Advance*, January 5, 1870.

³²⁴ Roger Finke and Rodney Stark have explored the significance of Churches in the establishment of social networks and the development of social capital in American history in *The Church of America, 1776-1990: Winners and Losers in our Religious Economy* (New Brunswick, NJ: Rutgers University Press, 1992). However, the role of churches in the settlement of the West has not received the scholarly attention that it deserves. See Jon Butler, “Jack-in-the-Box Faith: The Religion Problem in Modern American History,” *The Journal of American History*, Vol. 90, No. 4 (2004), 1357-1378.

corrupt the morals of the community and take a bold stand against intemperance and political corruption. He handled the subject without gloves.” The paper then added an important comment, which reveals the expectations and attitudes of many early settlers: “To cry against the sins of our day and generation is most becoming the high calling of the ministry.”³²⁵

The resulting personal attachments created within the context of religious communities helped to reinforce societal norms by creating the social infrastructure of a consistent moral order. Editor Horner explained it clearly in an article entitled “Railroads and Religion” – “It pays to favor godliness, for godliness invites people to the towns on their road; godliness builds meeting houses, school edifices, and makes society desirable and pleasant; godliness makes it safe to invest in county bonds. It raises their value, and never repudiates an honest debt. ... Religion always and everywhere carries intelligence among the people; and who ever knew of a railroad that depended upon local support to be a success where the people lacked intelligence. Christianity always disseminates a spirit of benevolence and liberality.”³²⁶ The existence of these social networks likewise led the *Oswego Register* to assert: “A significant characteristic of this state and more especially of this county is the hearty manner

³²⁵ *Oswego Register*, July 22, 1870.

³²⁶ *Southern Kansas Advance*, January 18, 1871.

in which people stand out for their friends. We attribute the success of so many undertakings to the unity of feelings among our citizens. Attachment for one's surroundings is not remarkable in old and established communities, in which its inhabitants have been born and bred; but here in this new country there seems to be strife in one direction alone, the general good."³²⁷

As new settlers arrived and as the communities they established began to form themselves, cities began to incorporate and the earlier structure provided by "for-profit" town companies was abandoned. In an editorial arguing for the establishing of the city of Chetopa (i.e., "The *Town* of Chetopa should become a *city* at the earliest practicable moment."), Horner articulated this mentality: "An immense immigration will be thrown in upon us, our town will be crowded to an overflowing, an army of adventurers will swarm in upon us, thieves, gamblers, pickpockets, will blossom out on every corner, and we must for self-protection have an efficient city organization and a rigid police force."³²⁸ This is a striking argument; whereas in the not-so-distant past citizens throughout Neosho and Labette Counties had relied on each other and the various extra-legal Committees and Clubs they had formed for "self-protection", in the newly evolving cultural

³²⁷ *Oswego Register*, September 16, 1870.

³²⁸ *Southern Kansas Advance*, February 9, 1870. Emphasis is in the original.

climate of the 1870s Horner urged them to begin to look to elected officials and a duly appointed (notice the use of the word “rigid”) police force.

A similar development occurred in Labette City. On the last Saturday of December, 1870, several burglaries took place. After reporting these, the editor commented: “We hope soon to be incorporated as a city of the third class, until which time we shall have to suffer such inconveniences.”³²⁹ March 2, 1871, the *Labette Sentinel* announced: “The time has come for Labette to be incorporated.” The paper then proceeded to list the “advantages” of incorporation: “the trustees elected have power to pass bylaws and ordinances to prevent and remove nuisance, restrain and prohibit gambling, to provide for licensing and regulating dramshops, to establish and regulate markets, to open, grade, pave or improve the streets and alleys of such town, to have side walks and footways made at the expense of the owners or occupiers of adjacent lots, to impose and appropriate fines, forfeitures and penalties for breaches of their ordinances, to levy and collect taxes, and all other powers not repugnant and contradictory to the laws of the land.”³³⁰

In July 1870, three men became involved in a quarrel on a Saturday morning near Elm Creek. The quarrel which began rather serenely gradually

³²⁹ *Labette Sentinel*, January 5, 1871.

³³⁰ *Labette Sentinel*, March 2, 1871.

grew violent. Finally, one of the men, Joseph Barker, after he was knocked off his feet by another man (Harrison Seward) pulled out his revolver and began to shoot. The other men responded in kind and, in the ensuing gun fight, all three were seriously wounded. This was certainly not the first time men had been involved in a violent quarrel; nor was it the first time that men had been shot. What made this event significant was the way it was reported. After detailing what had transpired, the editor of the *Kansas Democrat* added this explanation: “The parties are under arrest and will be dealt with according to Kansas law, by a Kansas justice, in regular Kansas style.”³³¹ What is striking about these words is that by the summer of 1870, for the editor of the *Democrat* and his readers, “regular Kansas style” was no longer quasi-legal Settler institutions administering their own form of community justice but rather “Kansas” judges adjudicating according to “Kansas law.” By 1870, a significant switch in community attitudes and standards had begun to occur. Southeast Kansas was changing.

This does not mean that the Vigilance Committees and Settlers’ Clubs disbanded at once; nor does it imply that local citizens no longer acted to impose order and to administer justice. The transition took place over several years and in varying speeds in different locations. An interesting story of a custody dispute in the summer of 1869 helps to identify the shifting attitudes of southeast Kansans

³³¹ *Kansas Democrat*, July 28, 1870.

to the law and their own responsibility for it. On June 1st, Sarah Disbro filed a petition for divorce in the District Court. On the face of it, the existence of this petition was not unusual. Court records reveal a consistent pattern of divorce petitions initiated by women.³³² But this petition was unique in that Sarah also filed a petition asking that sole “custody and control” of their one-month old daughter “be decreed to her.” In looking to the courts to adjudicate her situation, Sarah illustrates the growing reliance on the courts; her husband’s response however points to the existence of another perspective. As the *Neosho County Dispatch* explained, “To this petition her husband filed an answer.” The answer came in the form of a confrontation and the violent seizure of the child. “On Thursday last, Mrs. Disbro and her mother were returning from Erie, having the child in their possession, they were met by the defendant who requested to see

³³² Examples include Phebe M. Lynch vs. John W. on the grounds “that the said defendant had for more than one year abandoned and deserted her” (*Neosho Valley Eagle*, March 22, 1869), C. C. Gallaway vs. James on the grounds of “gross neglect of duty and extreme cruelty” (*Chetopa Advance*, September 15, 1869) and Julia Hayes vs. E. T. “on the ground of adultery” (*Chetopa Advance*, October 27, 1869). As illustrated in these three cases, divorce petitions were usually based on (at least) on of three charges: desertion, neglect and/or abuse, and adultery.

and finally succeeded in obtaining and walking off with the child.”³³³ Sarah and John represent different attitudes towards the law and its role in the lives of citizens that continued to co-exist in southeast Kansas during the 1870s. It is important to note, however, that Sarah’s attitude increasingly prevailed.

This view is confirmed by a letter to the editor of the newly renamed *Southern Kansas Advance* written on January 5, 1870 from a “correspondent” living in the small town of Montana who opined: “Southern Kansas is settling up very fast. Where only six months ago nothing but the boundless expanse of prairie could be seen, you will now see the cabins of the settlers thickly spread about, and the cattle quietly grazing on the rich grass which the country affords. And here and there are enterprising villages that have sprung up as if by magic, but looking really like old established towns of the East.”³³⁴

Another interesting example of this developing cultural shift occurred in January 1870. A Danish immigrant, Soren Neilson, was accused of jumping the claim of Jane Mosher in the Snow Creek region of Labette County. Jane asked the local Settlers’ Club to investigate and to remove the claim jumper if their findings supported her assertions. Since she had lived at the claim for over a year, it was not difficult for the local citizens to substantiate the fact that she was the

³³³ *Neosho County Dispatch*, June 22, 1869.

³³⁴ *Southern Kansas Advance*, January 5, 1870.

lawful owner and that Neilson was a jumper. When the settlers met, as the *Advance* reports, “to adjudicate the rights of the parties,” they decided “that said Dane and his effects should be removed, which was done in a quiet and friendly, although decided manner.”

Although apparently Neilson did not resist his removal, he was discomforted with the manner in which it had occurred. He proceeded to make an appeal to the Court and accused the settlers of bodily assault. As a result, all of those who had been involved in his removal were arrested and placed into the custody of the local Sheriff. In response, the citizens of Snow Creek, “indignant at the meddlesome disposition on the part of the prosecution,” decided to take action. They hired defense attorneys! These attorneys demanded a jury trial and when the case was brought before a jury, Jane Mosher and her brother Nicholas were acquitted of all charges. The rest of the citizens who had been involved were found guilty but only fined “one dollar each as minimal damages.”³³⁵

This case is fascinating in what it reveals about the changing attitudes of settlers. In those places where the land title was still not resolved, settlers continued to register claims with their neighbors, expecting them to adjudicate any disputes that might arise. However, when the authorities became involved

³³⁵ *Southern Kansas Advance*, February 16, 1870.

and settlers were arrested, local citizens looked to the courts for redress.³³⁶ They continued to emphasize local control and believed that they were the ones who

³³⁶ On April 14, 1870, a “Notice of Contest” appeared in the *Osage Mission Journal*. Although these notices were common in newspapers in other regions of Kansas throughout this period, this is the first time an official “Notice of Contest” was printed in a paper published in southeast Kansas. This, then, is the first public record of a debate over landownership being fought in the Land Office rather than local extra-legal courts. It is also significant; for it is a dispute involving a woman’s claim.

An application having been made by Mary Branson to purchase the West half of North-east quarter and East half of North-west quarter of Section 24, Township No. 30 S, Range 21 E, under the joint resolution of Congress approved April 10, 1869 for the disposal of the lands ceded by the Osage Indians, under the 1st and 2nd articles of the Treaty of September 29, 1865.

John H. Holt, being an adverse claimant to the same land, is hereby notified that the said Mary Branson will be permitted to offer proof in support of her claim to said land, at this Office on the 8th day of June, 1870, at 9 o’clock a.m. The said John H. Holt, will have an opportunity at said time to offer counter proof and also proof in support of his claim.

both made and enforced social behavior, but now instead of performing this function in “extra” or “quasi-“ judicial courts, they use this authority within more accepted social institutions by serving as members of juries in civil and criminal court cases.³³⁷

In December of 1870, the struggle over the legitimate role of the local community in adjudicating criminal cases reached a climax in Neosho County. On Thursday, December 15th, a popular resident of Osage Mission, James Kerns, was arrested for drunkenness and disorderly conduct by Sheriff Taylor Horne. On

Watson Stewart, Register

D. M. Emmert, Receiver

³³⁷ Local Vigilance Committees continued to appear periodically in Labette and Neosho Counties throughout the 1870s. Two differences from their role in the 1860s can be noted. First, whenever they appear, there is significant resistance to their activities by leading members of the community. Second, their activity can be directly linked to the perception that the courts have failed to provide justice. In other words, they come into existence after the normal legal procedures have been completed to correct perceived injustices rather than (as in the 1860s) coming into existence to act in the role of non-existent established courts.

the way to the jail, an altercation between Kerns and Taylor erupted with the tragic result that Taylor shot and killed Kerns. The *Osage Mission Journal* summarized the response of “nineteen-twentieths” of the local population by describing the event as “the shooting down in cold-blood of an unarmed blood,” truly “deserving the severest condemnation of every citizen who while having respect to law and order yet demands that human life shall not be wantonly sacrificed by anyone ‘clothed with a little brief authority’”. As the news of the killing spread, a mob of angry townspeople gathered and rushed the second floor of the store in which Taylor was confined; grabbing Taylor, they proceeded to drag him outside of the town intending to hang him immediately. As the *Journal* reported, “This they were so near carrying out that they had a rope around his neck and were ready to suspend him to the limb of a tree selected for the purpose.” What is striking about this report, however, is what happened next—“At this critical juncture John Ryan appeared on the scene and being permitted to speak, made so moving and effective an appeal that the party consented to return Horne to the custody of the law.”³³⁸ Although willing to allow Horne to be tried, the people who had responded to the situation by threatening to hand him did not believe that the situation was out of their hands. Convinced that Horne was guilty and that justice demanded his punishment, they raised funds to hire their own

³³⁸ *Osage Mission Journal*, December 22, 1870

prosecuting attorney and when the case came to trial in April of 1871, they packed the court room and actively agitated for his conviction. When the jury returned a guilty verdict, the local community was jubilant; however, some wondered whether justice had been served. As the editor of the *Erie Ishmaelite* explained, “The trial throughout was considered by the most intelligent and impartial class of the people who heard it, a solemn mockery of justice, and a gross outrage on the rights of the prisoner and many unite in the believe that the Judge who presided prostituted the high functions of his office, and pandered to the people who desired Horne’s conviction for the purpose of making political capital.”³³⁹ The *People’s Advocate*, a paper published in Osage Mission, disagreed strongly. Denouncing the attacks of *Ishmaelite* as baseless, the *Advocate* argued that it was a fair proceeding. It is vitally important to underscore however, is that as much as they expressed disagreement over the outcome of the trial, they were equally as certain that fair trials were important and that due process must be followed in administering justice.

It this evolution of thought that helps to explain why, when faced with a recalcitrant Land Office, settlers in southeast Kansas decided to fight the railroads in the courts rather than resorting to violence on the ground. This decision was solemnized in an important event occurred in the city of Ladore on July 4, 1870.

³³⁹ *Erie Ishmaelite*, April 21, 1871.

Celebrations of the 4th were held each year throughout Labette and Neosho Counties and attracted large crowds of settlers. The celebrations in 1870 were, however, unique. Settlers had coordinated their celebrations so that in each village, town, and city, as the members of the community processed to the central square, offered the commensurate lengthy toasts and accompanying “responses” and watched the annual fireworks display, settlers throughout the bi-County Region were informed that a new Settlers’ Protective Association was being formed. The purpose of this Association would be to coordinate the legal efforts of the settlers and focus their energies on defeating the claims of the railroads. As the bylaws, passed by thousands of settlers on the following day, July 5, 1870, explained: “*Resolved, 1. That we will proceed at once to test the validity of, said claims, by instituting legal proceedings in the proper courts. 2. That we respectfully request the Governor of our State to withhold all patents from said corporations for said lands until the termination of said proceedings. 3. That we will support no candidate for county and legislative offices who is not thoroughly identified with the settlers and in sympathy with their cause.*”³⁴⁰

With the formation of this Association, the settlers in southeast Kansas created an extensive network of social support. In so doing, they certified their own evolution as communities founded on law and order. The transitional days of

³⁴⁰ *Neosho Valley Dispatch*, September 16, 1870.

extra-legal Associations and vigilance Committees were over and a new era of formalized social activity had begun. The early years had been exceedingly difficult and yet their labors had met with great success. They had been able to construct the fabric of an established society out of disparate threads. Faced with a choice – they chose not to rely on mob violence. They could thus point with pride to the almost seamless fashion in which extra-legal Clubs and vigilance Committees had given way to established institutions. They could with equal satisfaction congratulate themselves on the presence of schools and churches that rivaled those in the more established towns and cities of the East. A chief goal of their labors had been to create a unified society based on law and order. In spite of the myriad obstacles that had confronted them, they had succeeded.

Chapter 4: Liberal Republicans and Liberated Women: Challenges to the Social Order, 1870-74

The settlers who came to southeast Kansas as individuals and/or small solitary family units shared a common political perspective. As Union veterans who had migrated west after the Civil War had come to an end, they were Republicans who had fought in a Republican war and thus supported Republican candidates.³⁴¹ This changed dramatically in the 1870s.

In this chapter I describe the effort in the early 1870s to maintain the unified political and social order that had been established in southeast Kansas in the late 1860s. As we have seen, the early years of settlement were characterized by a common struggle to forge a unified social identity based on the creation of a network of religious and social relationships strengthened by a shared history and a common goal. In chapter 3, I outlined the solidification of this social unity through the institutionalization of both religious and political authority. In this chapter, I discuss two of the challenges to this institutionalization that arose as the numbers of settlers grew and as disparate voices began to be heard. The first

³⁴¹ In fact, so firm was their allegiance to the Republican Party that there was no organized Democratic Party in either Labette or Neosho County in the 1860s.

challenge was political and was initiated by the publication of a Democratic paper in the county seat of Labette, Oswego. In this paper, the publisher aggressively attacked the national Republican Party for corruption and accused it of supporting the interests of monopolists and railroads against those of common settlers. The second challenge was social, and was initiated by small groups of women who by seeking a more active role in society challenged the patriarchal assumptions of the community's elders. Both of these challenges created divisions within the existing communities and revealed new fault lines. Ultimately, these divisions were not strong enough to permanently alter the structure of society but only because the larger threat posed by the railroads necessitated community solidarity.³⁴²

Veterans in southeast Kansas in the late 1860s had immigrated with a commitment to “freedom” and “liberty” as fundamental political values. It was their zeal for “freedom” and “liberty” that energized their dedication to the Union cause. Priding themselves on their service in the War as Lincoln’s soldiers, they self-identified (both publicly and privately) as valiant defenders of freedom against tyranny. The *Neosho Valley Eagle*, the first newspaper published in Neosho County, explained the perspective through which these early settlers envisioned their world: “The secret is, Kansas started right. Peopled by colonies

³⁴² This last point is developed in greater detail in chapter 5.

from the New England States they brought with them their ideas of, and their high regard for free institutions, and intellectual and moral culture. ... Loving freedom and hating tyranny in all its forms, they stood like a wall of adamant against the encroachments of slavery and saved Kansas forever to freedom and freemen. Their example and influence are not lost, and Kansas is today and will always remain, radical on the right.”³⁴³

In this short paragraph, we encounter the fundamental political ideology that framed both politics and culture in southeast Kansas. Clifford Gertz has argued that ideology is imbedded in every culture where it provides “maps of problematic social reality.”³⁴⁴ By accepting his axiom that ideology is to be located in those ideas people take so for granted that they assume no definition is needed, we can uncover the fundamental presuppositions that structured the political thought and cultural activity of southeast Kansan settlers by paying attention to the frequent use of the terms “freedom” and “tyranny.” The political rhetoric used by settlers in southeast Kansas indicates, as J. H. Hexter has written, that there were in fact “two languages of politics ... that had liberty as the key

³⁴³ *Neosho Valley Eagle*, June 13, 1868.

³⁴⁴ Clifford Gertz, “Ideology as a Cultural System,” in *The Interpretation of Cultures* (New York: Basic Books, 1973), 220.

word in their vocabulary.”³⁴⁵ Linda Kerber explains, “The first stressed participation as the foundation of civic virtue; its key words were participation, virtue and corruption. The other language was defensive, a freedom against intrusion, whose key words were limited government, due process, and fundamental law.”³⁴⁶ Both of these languages were spoken by southeast Kansans and are clearly evident in the paragraph previously cited.

Thus, as settlers established their identity both as individuals and members of larger communities, the War was central.³⁴⁷ This was also true of their political allegiance which was initially filtered through the prism of Civil War politics. To them it was self-evident: those on the side of freedom (i.e., the Union) were

³⁴⁵ J. H. Hexter, “Republic, Virtue, Liberty and the Political Universe of J. G. A. Pocock,” in J. H. Hexter, editor, *On Historians: Reappraisals of Some of the Makers of Modern History* (Cambridge: Harvard University Press, 1974), 293.

³⁴⁶ Linda Kerber, “Republican Ideology”, 485.

³⁴⁷ An examination of the Obituaries of early veterans in southeast Kansas confirms this fact. These Obituaries, often written decades after the War, concentrate on the individual’s war experience, frequently dedicating several paragraphs to the activity of the settler during the War before commenting briefly on his post-War contributions to southeast Kansas.

□ *Oswego Independent*, September 22, 1874.

Republicans; those who supported tyranny (i.e., the Rebellion) were Democrats. As the *Eagle* explained in announcing its support for Grant in the 1868 election, the upcoming political campaign was “a fight of Loyalty against Rebellion.”³⁴⁸ A few weeks later, as it commented on the nomination of the Democratic candidate for President, the *Eagle* remonstrated: “What of the War? Is it possible that all the treasure and sacred blood have been expended in vain? God forbid.”³⁴⁹ To the editor of the *Eagle*, there was no question about the issue – “It seems incomprehensible how a returned Federal soldier could vote the Democratic ticket. Vote with men who cursed you for going, cursed you when gone and expressed the wish that a bullet ought to have laid you low? Vote with the rebels you fought, with the ones who called you ‘hell-hounds, mud-sills, &c’?”³⁵⁰ In similar fashion, the *Oswego Register* informed its readers that “it is a fact we dare not dispute that the strength of the so-called Democracy rests where nests of rebels and traitors hold sway.”³⁵¹ Commenting on the attempts of Democratic candidates to be elected throughout the South, the editor described it as a “plot” by which “men who glory that their hands were once stained with the

³⁴⁸ *Neosho Valley Eagle*, July 4, 1868.

³⁴⁹ *Neosho Valley Eagle*, July 18, 1868.

³⁵⁰ *Neosho Valley Eagle*, August 1, 1868.

³⁵¹ *Oswego Register*, August 19, 1870.

blood of Union soldiers ... lend a helping hand to place the Democracy in the ascendancy.” Let there be no doubt, he asserted, “The principles of the so-called democratic party are adverse to freedom, justice and reform.”³⁵²

The *Labette Sentinel* concurred – in urging local citizens to vote in the 1870 election, the paper reminded them that they had faced “opposition” from the Democratic party before – “The same opposition that we met on the tented field; the same opposition that took the heart’s blood of our children, our fathers, our brothers, and our loyal friends and neighbors; the same opposition that after failing to dismember the glorious Union, took revenge on the nation by directing the assassin’s bullet at our President, who had been re-elected to the office of President as an endorsement of his past Administration.” The voting choice of the Union Veteran was thus simply a continuation of the war effort – “Yes, we have met the same opposition, and put them to flight by the bullet and now we can, must and will put them to flight by the ballot.”

Pushing still further, under a bold heading entitled “Read This Before You Vote,” he then went on to enumerate a litany of “sins” committed by the Democrats that should be remembered by every veteran who approached the polling place:

Who kept four million slaves bound down in chains? The Democrats.

³⁵² *Oswego Register*, November 4, 1870.

Who kept as many whites in ignorance and degradation? The Democrats.

Who used their power and means to sever the Union? The Democrats.

Who turned the money and arms of the United States over to the rebels?

The Democrats.

Who caused the murder of President Lincoln? The Democrats.

Who made our homes desolate? The Democrats.

Who caused our country to be filled with widows and orphans? The Democrats.

Who brought desolation and weeping into every household? The Democrats.

Who shot down our fathers and brothers, or starved them in loathsome prisons? The Democrats.³⁵³

The earliest voting records from southeast Kansas suggest that that the majority of settlers agreed with the sentiments of their local editors. In 1867, the first year for which voting records are complete, out of the 949 votes cast, Grant electors received 783 and Seymour's 166. In reviewing these statistics, Nelson Case, an early local historian, explained, "The candidates for the several State

³⁵³ *Labette Sentinel*, November 3, 1870.

offices received substantially the same proportion of the votes.”³⁵⁴ It is also clear that these settlers voted the way they did because they believed the Republican Party best upheld the principles that had inspired their dedication to the Union in the Civil War. As the *Oswego Register* explained, “the principles of the Republican Party embody equal rights, protection and progression.”³⁵⁵

This connection between the Republican Party and freedom was not challenged in southeast Kansas until 1870 when the first edition of a Democratic newspaper was published in the county seat of Labette County, Oswego. Published by William Bennett, a recent immigrant to southern Kansas from Iowa, the paper announced its intentions: “We shall advocate the time-honored principles of the Democratic party which have ever been in favor of cheap land and free homesteads, and opposed to handing the broad and fertile prairies of this nation over into the hands of a few land sharks and capitalists.”³⁵⁶ In this bold salvo, Bennett publicly asserted a new identity for the Democratic Party in southeast Kansas. Instead of arguing, as the other newspapers had done, that the Democratic Party was the organization of Southern slaveholders and rebellious

³⁵⁴ Nelson Case, *History of Labette County*, 251.

³⁵⁵ *Oswego Register*, November 4, 1870.

³⁵⁶ *Kansas Democrat*, May 26, 1870.

traitors, he presented the Party as the friend of Western settlers and the enemy of Eastern capitalists. In so doing, Bennett skillfully redrew both the geographical map of the Civil War and the political map of his readers by presenting the War not as a battle between Northern freemen and Southern slave-holding aristocrats, but rather as a clash between Eastern capitalists and Western settlers: "We are opposed to a high protective tariff, because it robs the western man to enrich the eastern manufacturer, and compels the consumer and laboring man to pay a tax to support capital that pays no taxes."

Using the same vivid imagery of war sacrifices as the Republican papers, Bennett drew radically different political conclusions. The real divide, he asserted, was between those who had suffered and those who had profited from the War. For the man who had trudged through fields of mud and blood in dedication to the Cause, the War had brought great sacrifice and personal loss; but, for the northern capitalist, who had avoided the duty of soldiering, the War had been a time of great financial gain. In a series of powerfully emotive comparisons, Bennett asked his readers to consider which Party pursued policies that truly represented their interests: "If the bondholder who bought his bonds with currency is to have gold for them, the soldier who with his blood enhanced the value of the bonds should have the same. If the shoddy contractor who speculated upon the blood of the brave men and enriched himself through the havoc of war by selling one dollar of gold for two dollars and ninety cents in

currency, and then bought two dollars and ninety cents worth of bonds must now after six years of interest have been paid in gold, then in the name of justice we demand for the widow and orphan, who gave the blood of a husband and father to protect these same bonds, gold for their bounties and pensions. ... If any should be exempt from taxation, let it be the little house and lot of the widow who sent to the army in the ranks a husband that she loved and who laid down his life for the country and its flag. Let the maimed and crippled of our land who for a paltry sum shouldered their musket to support the ‘best Government the world ever saw’ and lost a limb to protect capital be exempt and compel the bondocrat and rich man to shell out the necessary taxes to support the Government that has so suddenly enriched him.”

This theme – of Northeastern wealthy capitalists reaping benefits denied to Western-bound veterans and those who suffered with them – was a powerful weapon in Bennett’s hands as he sought to create a new identity for the Democratic Party: “We claim that the policy of the Democratic party has always been to protect the laboring man from the encroachments of the capitalist who in every age and country have invariably robbed the poorer classes to enrich themselves.”³⁵⁷ Bennett’s message struck a responsive chord – 1000 copies of the first edition of the *Kansas Democrat* were distributed within a week – which

³⁵⁷ *Kansas Democrat*, May 26, 1870.

indicates that some settlers were beginning to re-imagine their own political identities within a new economic context. This willingness of some settlers to think in new ways is further indicated by the establishment of Democratic Central Committees (in both Neosho and Labette Counties) in 1870. Nominating Conventions were held in the late summer of 1871 which were then followed by the election of several Democratic candidates in November. Within a year, settlers found their unified society to be unraveling as a vocal minority began to assert an alternative historical narrative. As the staunchly Republican paper, the *Erie Ishmaelite* publicly acknowledged, the situation had been greatly altered by March of 1871 when it noted: “It must be confessed that the signs of the times are not as favorable to the future success of the Republican Party as it has been in the ten years past.”³⁵⁸

Undoubtedly, the factors that influenced this political shift were part of national developments—the papers that began to endorse “the Democracy” often referred to the corruption of the Grant administration as a prime example of what had gone wrong with the Republican Party. But these national issues paled in comparison with the importance of the intensifying struggle between settlers and the Railroad companies over land title. For it was in this emotionally charged environment that the identity suggested by Bennett of the Democratic Party as the

³⁵⁸ *Erie Ishmaelite*, March 24, 1871.

friend of the settlers and of the Republican Party as the ally of the monopolist began to resonate in a new way. As the prism through which politics was envisioned shifted from the past to the present and as the focus of debate shifted from the events that led to the Civil War to those that occurred after it, political terms began to be understood in a new context and to take on new meanings. The challenge this presented to the Republican Party of the 1870s was significant. As Morton Keller has written, in the late 1860s the “disparate elements” of the Republican Party were held together by “the shared but gradually fading memory of the Civil War.” However, “as time bleached the bloody shirt, other grounds for Republican party bonding became more important.”³⁵⁹ As the leaders of the Republican Party in southeast Kansas soon discovered, these grounds were hotly contested.

Another new paper appeared in Labette County on January 12, 1871. Called *The Anti-Monopolist* and published in the city of Parsons, the center of railroad activity in southeastern Kansas, the paper declared itself to be “the voice of the settlers” in their struggle with the railroads. Its prospectus, boldly presented, represented another important development in the evolution of southeast Kansas politics. As the editor explained in his opening prospectus, before beginning the paper, he had first visited “two thousand and five hundred

³⁵⁹ Morton Keller, *America's Three Regimes*, 145.

settlers upon these lands.” It was the information he had learned on these visits that had motivated him to publish a paper “exclusively and sacredly devoted to the promulgation and defense of their rights as American citizens.” His meetings with ordinary citizens had convinced him that their rights were being threatened by monopolists who were intent on “making them slaves.” It was a grave injustice, he insisted, that those who had fought “to save the republic” in order to liberate through “that terrible ordeal a race of four million slaves” would themselves now be enslaved in “chains” by “base men.”

However, his visits had also reassured him that the settlers would not allow this to happen without a fight: “We were not born to be slaves, and there is no power on the face of the earth able to enslave us.”³⁶⁰ The language employed in this editorial is significant. The author mentions “slaves” (six times), chains, base men, and oppressive tyrants. In fact, the editorial utilizes the classic imagery employed in the 1850s by abolitionists, but with a twist – for the slaves of whom the editor spoke were not black but white and the oppressors were not Southern slave owners but Northern capitalists.

The *Anti-Monopolist* was among the first papers to articulate a new orientation for southeast Kansas politics, but it was by no means the last. The *Southern Kansas Advance*, a long-time republican paper published in Chetopa,

³⁶⁰ *The Anti-Monopolist*, January 12, 1871.

explained the change in this fashion. “The republican party,” it insisted, had begun well – it “sprang into existence at the bidding of a great exigency, beginning its life in the interest of the oppressed.” However, in the years following the War, the party had forgotten its purpose so that “of that illustrious party we have now chiefly the name left.” Likening the “animation” of the current Republican Party to that of the “Dead Sea,” the author asserted that it had forgotten its essential commitment to fight against the rise of “a wealth aristocracy” that is forever “the foe of the true and rightful freedom of Americans.” The editorial then concluding with a damning indictment: “The Republican party has failed in its functions, and lost its legitimate track. The South is no longer the enemy of the North.”³⁶¹

Loyal Republicans used several tactics to respond to this challenge. Milton Reynolds, editor of the influential Republican paper, the *Parsons Sun*, at first tried to dodge the challenge by arguing that the struggle over land title was not political: “The settlers do not consider the land question a political question. It should not be made a political question. ... Those who are Republican and soldiered with Grant will certainly vote as they fought.”³⁶² As it became increasingly obvious, however, that the settlers did in fact consider the struggle in

³⁶¹ *Southern Kansas Advance*, August 13, 1873

³⁶² *Parsons Sun*, August 3, 1872.

political terms, he changed his strategy by counter-attacking. Reynolds argued that the Democrats were the ones who supported the capitalists. The Democrats were only, he argued, pretending to be on the side of the settlers— “The Democratic dodge of sympathy for the Democratic candidate on account of the land question is ‘too thin.’ It won’t hold water.”³⁶³ Most emphatically, however, he sought to return the focus onto the events of the past by warning his readers not to be fooled into complacency: “They who ‘seek peace and composure,’ who are content with the perfect reign of justice and equality, and desire to maintain the supremacy of the law, cannot afford to give their influence to the elevation of men who will be obliged to yield concessions to the devilish spirit that actuated the rebellion.” Finally, he warned his readers, “The spirit of the rebellion has been kept smothered. And gradually the old fires have died out. Shall they be re-kindled anew?”³⁶⁴

The editor of the republican paper, the *Thayer Headlight*, agreed: “Never before did it seem so necessary for the friends of universal freedom to stand firm as to-day. . . . Thousands of good men in the south look to the Republican party for protection and encouragement. Shall they have it or will we return to the good

³⁶³ *Parsons Sun*, August 3, 1872.

³⁶⁴ *Parsons Sun*, May 11, 1872,

old days of slavery?”³⁶⁵ “It is not a time for experimenting,” he asserted a few weeks later. “Let every honest Republican stick to his principles and his party, and if possible avert the calamity of another civil war. Let liberty be proclaimed and the proclamation be enforced till free speech may exist and the anthems of freedom be sung all over the American continent.”³⁶⁶

As Republican editors found themselves on the defensive, they increasingly sought to cast the present controversy in the light of the past—“This glorious record of the past is the party’s best pledge for the future. This simple sentence is more pregnant than a thousand resolutions. It is alone such an assurance to the people’s hearts as will enable the party to withstand the onslaughts of a thousand coalitions. What will they care for *words* when the “glorious record” of such *deeds* as has thus far marked the Republican Party stand out in bold relief. To say nothing of that mightiest of National accomplishments—the subjugation of an organized and armed Treason such as the world had never known, its principles of universal freedom coined into inflexible law and secured forever in our great charter, the National Constitution; the emancipation of a race; human equality as made by God decreed; the great debt gradually reduced; the revenues honestly collected;--these are some of the

³⁶⁵ *Thayer Headlight*, September 23, 1874.

³⁶⁶ *Thayer Headlight*, October 21, 1874.

deeds which no *Words* can match; these are the ‘party’s best pledge for the future.’”³⁶⁷

The struggle to maintain political cohesion was made even more difficult as the news began to spread that a group was splitting from the national party to establish a new Liberal Republican Party. Primary formed by editors, journalists, and political reformers who were “distressed by the replacement of a politics of ideas by a politics of organization,” the Liberty Republican Party was an attractive alternative to settlers in southeast Kansas who, although distraught over the current land crisis and convinced that the leadership of the Republican Party had abandoned them by entering into political alliances with the monopolists, still found it difficult to abandon the Republican Party to claim membership in the Democratic Party.³⁶⁸ Thus, the appeal of a political *via media*: the Liberal Republican Party. In southeast Kansas, the Liberal Republican Party allowed those who were Republican to join with the Democratic Party in promoting the

³⁶⁷ *Osage Mission Transcript*, June 18, 1872.

³⁶⁸ Morton Keller, *America’s Three Regimes*, 169.

cause of the settlers against monopolies without taking the tainted name of Democrat.³⁶⁹

The first mention of this new political movement appeared in the *Parsons Sun* on March 9, 1872: “An attempt has been made at Topeka to organize the so-called ‘liberal’ Republican party in Kansas.”³⁷⁰ In May, settlers from southeast Kansas were informed that a National Convention of the Liberal Republican Party had been held in Cincinnati on May 3, 1872. Most papers carried the press release that emanated from the Convention, and printed the party platform in full. On August 17, 1872, the first grand mass meeting of the Liberal Republican Party was held in Labette County; two weeks later, on August 31st, the Liberal Republican Convention of Neosho County was held in Osage Mission. On the

³⁶⁹ For an overview of the existing historiography, see Richard Allen Gerber, “The Liberal Republicans of 1872 in Historiographical Perspective,” in *The Journal of American History*, Vol. 62, No. 1 (June, 1975), 40-73. The fact that this article is twenty-two years old and yet still remains the standard overview of the Liberal Republicans is an indication of the need for contemporary research into this important movement in the 1870s. See also Paul Kleppner, *The Third Electoral System, 1853-1892: Parties, Voters, and Political Cultures* (Chapel Hill, NC: University of North Carolina Press, 1979).

³⁷⁰ *Parsons Sun*, March 9, 1872.

same days, and in the same cities, the Democrats held their County conventions. According to published reports, members from the conference committees of both Conventions met to coordinate the process by which the two organizations would be cooperate as one political entity.³⁷¹ This occurred in both 1872 and 1874 as the two parties worked in unison to put together a slate of candidates for local, state and federal offices. Significantly, in both elections, the candidates chose to run under the label “Liberal Republican” rather than “Democratic.” And, just as importantly, both elections revealed a shift in voting patterns indicating widespread support for the newly emergent Liberal Republican/Democratic party.

Things had changed; as the *Neosho County Journal* explained: “Four years ago Grant received a large majority in this State. No one was surprised at the result; it was expected, and was received as a “matter of course.” Since that time the republicans have at each election been successful, but it has been a matter of no surprise.” However, much had changed recently – “Amid all, however, the people have been not meek, but submissive. Their efforts have been defeated, their interests ignored, their wishes frustrated, but still they clung to the party, and voted for and elected its candidates by the usual majorities.” Although “this was the condition in Kansas two months ago,” a “revolution in public sentiment” had

³⁷¹ See the *Parsons Sun*, August 31, 1872 and the *Neosho County Journal*, September 7, 1872.

been inaugurated and “the tide” was now “turning in favor of the Liberal causes.” In fact, the paper concluded, “Liberalism is progressing. New accessions are constantly being made of those who have been prominent republicans in the days of that party’s honesty and usefulness. They are still republicans, but not “loyalists;” and rather than unite with the truckling thousands in shouting ‘Long live the King,’ they are leaving that party to its disintegration, and ranging themselves on the side of progress and reform, and supporting the candidates of the party whose watchword is ‘Long live the Republic.’”³⁷²

In this editorial, we are given an eye-witness account of the struggle over political identity that played itself out in homes, villages, towns, and cities throughout southeast Kansas in the early 1870s. The rhetoric retained its classical Republican themes – however, the context was changed and along with it, the referents. Over the course of history in southeast Kansas, this change did not lead to the Democratic Party’s emergence as the dominant party. Nevertheless the emergence of the Democratic Party (in tandem with a Liberal Republican Party) in the post-War period as a party of reform rather than a party of rebellion and its remarkable success in political re-identification as a champion of settlers’ rights rather than the defender of the slave aristocracy was a significant political

³⁷² *Neosho County Journal*, August 24, 1872.

realignment and, for the purposes of this analysis, a clear indication of the difficulties in maintaining social cohesion and unity in southeast Kansas.

But politics was not the only platform on which this struggle played itself out. The founding fathers of Labette and Neosho County also saw their vision for a unified and ordered society contested along gender lines. From the earliest days, the settlers who came to southeast Kansas envisioned a social order constructed around a classically patriarch understanding of gender. A good example of this perspective is found in an early editorial in the *Labette Sentinel*. Looking back at the course of American history, the editor proclaimed, “Ever since the Pilgrim Fathers landed at Plymouth Rock, the settler, bold and defiant, has pushed his course westward. State after state has been developed, rivers and plains have been crossed, mountains and valleys reconnoitered and the broad domain from the Atlantic to the Pacific placed within the grasp of civilization through the indomitable energy, severe toil, and hard earnings of the laboring community.”³⁷³

This is the myth of the “frontier” painted in broad and vivid colors.³⁷⁴ The pioneer settler, characterized by the traditionally-constructed masculine qualities

³⁷³ *Labette Sentinel*, December 15, 1870.

³⁷⁴ Editors routinely used the term “frontier” to describe their communities of Anglo-American settlers. Recent scholarship has drawn attention to the

of aggression and power, forces his way west, energetically conquering every obstacle that confronts him, refusing to quit until he establishes his own dominance over the wild and previously untamed wilderness. It is the phallic mentality of force, control, and boundaries—the forceful grasp of civilization bears the unmistakable scent of men as it seizes rivers, plains, mountains and valleys through severe toil and labor.³⁷⁵

John Horner, of the *Chetopa Advance*, echoed the masculine perspective of the *Sentinel* in a published response to a letter which had asked, “Is the frontier

ethnocentric nuances of the term; see Patricia Limerick, *The Legacy of Conquest: the Unbroken Past of the American West* (New York: W. W. Norton, 1987), 24-5. In reality, the term “border” or “borderlands” more adequately describes southeast Kansas, for the settlers were living between regions controlled by indigenous peoples (the Indian Territory) and those controlled by Anglo-Americans. The emerging, Anglo-American settlements in the Osage Ceded Lands were therefore contested places.

³⁷⁵ For an overview of the struggle of immigrant families to preserve the ideology they had brought with them to Kansas, see Lyn Ellen Bennett, *Living on the Edge: Families in Crisis in Nineteenth-Century Kansas* (dissertation, University of Kansas, 1996), especially chapter 2, “Great Expectations: Nineteenth-Century Gender and Familial Roles”, 38-90.

life really as hard as people imagine?”. In an early edition of the “real men don’t eat quiche” mentality, Horner insisted that real pioneers don’t feel pain, get tired, count the costs, or complain: “The hardships of frontier life are greatly overrated. Indeed the hardships are rather the experience of those who march with the real columns of the advancing army of civilization. The sick, gouty, and decrepit fall to the rear. The bold, stalwart, enterprising, young, and energetic are in the van.”³⁷⁶

In similar fashion, the editor of the *Osage Mission Journal* assured his readers that the struggle to conquer the prairies was “part of God’s providential instrumentality” to distinguish genuine men from those who were only pretending: “The wind you know blows away the chaff and leaves the sound wheat.”³⁷⁷ That this triumph was conceived of in a gendered context is made clear by the comments of several other editors. For example, the editor of the *Thayer Headlight*, in announcing the remarkable achievements of farmer F. Sharp, who had raised 1,000 bushels of corn for a net profit of \$750, stated with obvious delight: “His wife’s people can come to him.”³⁷⁸ Likewise, William Bennett of the *Kansas Democrat* likewise argued that men never quit—“Onward

³⁷⁶ *Chetopa Advance*, June 16, 1870

³⁷⁷ *Osage Mission Journal*, February 4, 1869.

³⁷⁸ *Thayer Headlight*, December 16, 1874.

and upward and outward shall be the watchword of every true man. The coward only wavers and trembles and falters and turns back, such would better remain back. ... Efforts, hardships, hard work, beating back and overcoming obstacles strong men glory in. They take hold and lift themselves out of all difficulties and become master of every situation.” According to Bennett, real men do not fall short of attaining their objectives. Any sign of failure or even of hesitancy in achieving the goal was an indication of a serious defect in gender identity--weak and/or cowardly men were not welcome; in fact, the editor went on to suggest that a cowardly man was no more than a “child” who should leave the work of prairie settling to real men by returning to the place where his kind would be more welcome—i.e., “to his wife’s people to curse a country whose soil would be no better had he been buried in it.”³⁷⁹

This image of a barren soil made productive by the presence of a man’s body is laden with rich sexual imagery. To 19th century settlers, southeast Kansas was “virgin” land previously inhabited by effeminate men who did not possess the requisite virility to reap its bounty. The Euro-American settlers had come as “real men” to civilize the land—to subdue the wild prairies, to subjugate the forces of

³⁷⁹ *Kansas Democrat*, July 21, 1870.

nature, and to impregnate the soil with their blood and sweat—in the words of the *Democrat*, “to covert a raw piece of prairie into a producing farm.”³⁸⁰

At the very same time, however, as these men were assuring themselves of the potency of their manhood, a deep anxiety can be seen as hauntingly present. The editor of the *Western Enterprise* gave voice to a repressed angst in a published “Ode to the Prairie.” Using feminine imagery, the author lamented the destruction of the pristine purity of the native prairie by the onslaught of civilizing settlers. Before the settlers had arrived, “the prairie, God’s foot-stool” had been a beatific panorama of a “beautiful green carpet of waving grass” luxuriated by “the sweet perfume of a thousand flowers.” In describing the scene, the author utilized barely concealed sexual images—like a young virgin, the prairie tantalizes the male who watches her “waving grasses,” “sweet perfume,” and “rippling brooks.” But that had been lost, as the editor mourned. The male settlers, thus stimulated, had not been able to restrain themselves—“We look upon the prairie and the scene is changed. ... Civilization has robbed dame nature

³⁸⁰ For more on the gender expectations of westward bound immigrants, see John Mack Faragher, *Women and Men on the Overland Trail* (New Haven: Yale University Press, 1979) and Julie Roy Jeffrey, *Frontier Women: The Trans-Mississippi West, 1840-1880* (New York: Hill and Wang, 1979).

of her savage wilderness.”³⁸¹ In this passage, a deep uncertainty about the nature of their phallic enterprise was expressed.

Perhaps even more significantly, the settlers quickly learned that neither the virgin prairies nor frontier women seemed ready to roll over and let them have their way. For all of their masculine bravado and bluster, the prairie seemed remarkably unimpressed. As reported in the *Osage Mission Journal*, “The Neosho (River) is on the rampage and has been on it for several days, to the great disgust of the lumber men.”³⁸² In the winter of 1869, the editor of the *Chetopa Advance* complained: “The Neosho is brim and booming ... The earth is like a saturated sponge. It is wet—wetter—wettest. ... We are water bound and then the mud. Boundless, ubiquitous, measureless, fathomless oceans of mud!”³⁸³ The hard, dry, erect penis of male domination was engulfed and rendered impotent by the wetness of the “boundless, ubiquitous, measureless, fathomless” vaginal prairie it had forcibly entered. The *Labette Sentinel* joined the chorus of complaint and concern in October of 1870: “We can see from our office window

³⁸¹ *Western Enterprise*, September 1872.

³⁸² *Osage Mission Journal*, September 3, 1868.

³⁸³ *Chetopa Advance*, February 3, 1869.

the prairie fires raging to the north of town. They look beautiful, fanned by the calm night breeze, but these fires are as destructive as they are beautiful.”³⁸⁴

As surely as the beauty of a prairie fire could beguile the unsuspecting naïve settler, so too could the feminine beauty that awakened the fires of desire and passion within him. In December of 1869, the *Osage Mission Journal* published the proceedings of a “convention of the bachelors of Osage Mission” that had met to warn its younger members against the “captivating influence of Eve’s daughters.” Noting that “many of our veteran bachelors, who have enjoyed the luxury of single blessedness during a series of years and who have resisted the devil, the world and the woman ... have recently fell victim to that terrible destroyer and have been taken from our midst in the prime of life to be offered in bloody sacrifice on the altar of Hymen,” the Convention passed the following resolutions:

RESOLVED, that we the bachelors of Osage Mission hereby enter our solemn protest against any more of our brotherhood uniting themselves to the daughters of Eve;

RESOLVED, that we pledge ourselves to take immediate steps to check the progress of the destroyer of our peace and happiness.³⁸⁵

³⁸⁴ *Labette Sentinel*, October 17, 1870.

³⁸⁵ *Osage Mission Journal*, December 8, 1869.

Although it is highly likely that this article was meant to be tongue-in-cheek, its underlying themes reappeared regularly in the reflections and editorials of early newspaper editors in Labette and Neosho Counties. This was particularly true in the late 1860s and early 70s in the early days of settlement when the lack of available labor forced men to depend upon their wives in new ways even as it opened up new opportunities for them to expand their role in public society. In a candid observation, the *Osage Mission Journal* noted the manifold roles played by Kansan women: “It is the wife’s occupation to winnow all manner of corn, to make malt, to wash and wring, to make hay, to shear corn, and in time of need to help her husband fill the muck-wain (or manure carts), to drive the plow, to load corn, hay and such other; and to go or ride to the market to sell butter, cheese, milk, eggs, chickens, capons, hens, pigs, geese, turkey, and all manner of corn ... and to bear and rear children.”³⁸⁶ Although arduous (the list of duties is exhausting to read, let alone perform), many of these new duties expanded the boundaries of the domestic sphere in which white women in 19th century America

³⁸⁶ *Osage Mission Journal*, December 4, 1868.

had been confined; they also adjusted the level of control that the husband had over his wife by lessening her dependency upon him for survival.³⁸⁷

The *Oswego Independent* noted one aspect of the change in an article entitled “Female Hunter.” After relating the exploits of “a Mrs. W. M. Bowen” who had successfully shot three prairie chickens who had alighted in the cornfield next to her house, the paper asserted: “We mention this to show what the women of Kansas can do, when they try. In the East it would be considered a good shot for a man who was an experienced sportsman.”³⁸⁸

As is evident by the number of men filing for divorce on the basis of “abandonment” in the late 1860s and early 70s in southeast Kansas, many women understood all too well the freedom these new found responsibilities and opportunities afforded them. As the *Osage Mission Journal* noted in reporting

³⁸⁷ The evolution of the “domestic sphere” and the discursive nature of the discussion over “women’s work” in the 19th century have been noted by many historians. As Edwards comments, “The ideology of separate spheres, with its sharp distinction between men and women’s work, did not just reflect the results of economic and political change. It was also a powerful political tool that different groups of people marshaled to shape the course of historical events” (Edwards, “Gender,” 236).

³⁸⁸ *Oswego Independent*, October 5, 1872

George Rich's petition for a divorce from his wife Amanda (whom he had married less than two years earlier in June of 1868), even though "he has ever since conducted himself toward you as a faithful and affectionate husband ... you disregarding your duties as wife have been willfully absent from him for more than one year last past without any cause or justification on your part."³⁸⁹ Wives were not the only women to explore the contours of the evolving reconstitution of gender relations. In 1870, a warning appeared in the *Southern Kansas Advance*. Paid for by Jacob Ebert, the notice read: "FOREWARNED: All parties are hereby forewarned not to trust or harbor my daughter, Barberry Ebert on my account, as I will not be responsible for debts contracted by her, as she has left my home without cause or provocation."³⁹⁰ Daughters were not the ones to help their mothers escape the domination of their fathers; the *Oswego Register* recorded the following story: "Lowe and his wife were in dispute and from words went to blows. It is alleged that the woman's husband was choking her when she called to her boy, a lad thirteen years of age, to shoot him. The boy did as he was directed."³⁹¹

³⁸⁹ *Osage Mission Journal*, February 24, 1870.

³⁹⁰ *Southern Kansas Advance*, July 27, 1870

³⁹¹ *Oswego Register*, November 25, 1870.

An interesting poem in the *Oswego Register* pointedly warned men of the collusion that was occurring between their wives and daughters. Entitled “Fowl Rebellion; Or, Women’s Rights in a Poultry Yard,” the poem dramatized a conflict between a hen and her chick over the hen’s acceptance of abuse from the rooster. After exposing the manifold faults of the rooster, the chick finally persuades her mother to leave him. She then expresses her great joy in these words:

Well, mother, I’m glad you’ve waked up at last
I feared you’d sleep on till the good time was past
That forever you’d run at his nod and his beck
But now you’re my free, darling, blessedest mother
Well rid of one rooster—don’t get another;
You and I are both able to care for ourselves;
I’ll bet you, dear ma, we’ll live on the top shelves.
...
For my part, I’ve seen so much trouble and strife,
I vow and declare I’ll never be a wife
I hate—yes, I hate all tyrannical men

Independent I'll live, a single old hen!³⁹²

An article entitled, "Ask the Old Woman," which appeared in the *Oswego Register* in 1872, highlighted the ultimate fear engendered by these questions. The account told the tale of a traveler "out west" who happened upon an isolated log house in a clearing. Noticing that the owner of the house was sitting in the open door of the "shanty," the traveler asks him for a drink of milk. The man responds, "Well, I don't know. Ask the old woman." As the subsequent dialogue reveals, this is the man's response to every question. Noting the changing weather, the traveler inquires, "Think we are going to have a storm?" To which the man replies, "Well, I really don't know. Ask the old woman—she can tell." The traveler queries, "How much land have you got cleared here?" The man again responds, "Well, I really don't know. Ask the old woman—she knows." Finally, as a group of children appear, the traveler asks, "Are these your children?" The response remains the same, "Don't know. Ask the old woman."³⁹³

Thoughts like these accentuated a deeply-rooted anxiety felt by many southeast Kansan men about their own masculinity. Their identity as "men" was

³⁹² *Oswego Register*, July 30, 1869.

³⁹³ *Oswego Register*, May 2, 1872.

constructed around the ideal of a passive “woman”—as editor John Horner reminded his readers: “He is not a man that hath not a woman.”³⁹⁴ Thus, the presence of strong, assertive women not only threatened the patriarchal structure of the community they were seeking to build—it also called into question the very nature of their own masculinity.

Upon arriving in southeast Kansas, men quickly discovered that the nature they were seeking to subdue was not passive; neither were many of the women upon whom they depended for survival. In fact, many of the “women” were not wearing faces of pure contentment—as an early female correspondent, calling herself “Lady Labette,” explained in a series of letters to the editor of the *Neosho Valley Eagle*, “They call us the weaker sex—good for nothing but to dress and

³⁹⁴ *Southern Kansas Advance*, April 5, 1871. Historian Bruce Dorsey has noted, “Gender has functioned so that ‘man’ is constituted as the binary opposite of ‘woman,’ and ‘woman’ as the opposite of ‘man.’ In other words, what proves that a man is definitely a man is that he is not a woman.” See Bruce Dorsey, *Reforming Men and Women: Gender in the Antebellum City* (Ithaca and London: Cornell University Press, 2002), 4. Note also the comment by Milton Reynolds, editor of the *Sun*, that “All great men, like Franklin, advocate early marriages; and all great men, with rare exceptions, have been men who married young” (*Sun*, July 8, 1871).

flirt, have no mind of our own, and not capable of reasoning and acting for ourselves ... We thought when we emigrated to Kansas that we would find a home in one spot on the globe where a woman was (for the first time since she was banished from Paradise) considered equal to the lords of creation. But in that we were mistaken.”³⁹⁵

As the subsequent debate in the *Eagle* demonstrated, not all women agreed with “Lady Labette”—in fact, some were content to assume the passive position of “helper” that the men were eager to assign to them. However, the fact that “Lady Labette” and her supporters existed at all challenged the gendered vision of a patriarchal society that the male settlers were seeking to establish.

The traditional categories which had defined masculine and feminine behavior were further blurred by the emergence of the temperance movement in southeast Kansas.³⁹⁶ The idea of temperance as a moral crusade in southeast

³⁹⁵ *Neosho Valley Eagle*, May 16, 1868.

³⁹⁶ For an analysis of the impact of the Temperance Movement on the construction of gender in the late 19th century, see Ruth Bordin, *Women and Temperance: The Quest for Power and Liberty, 1873-1900* (Philadelphia, PA: Temple University Press, 1981). For an analysis of the development of the women’s rights movement in 19th century Kansas, see Michael Goldberg, *An Army of Women: Gender and Politics in Gilded Age Kansas* (Baltimore, MD:

Kansas first surfaced in Chetopa in 1869 where, according to the *Chetopa Advance*, “a rousing and enthusiastic meeting of the friends of temperance was held at Spaulding’s Hall on Tuesday evening last.” At this meeting, “the best and most substantial citizens of the place ... evinced, in most decided language and action, a determination that public drunkenness and riotous conduct should not be permitted to disgrace our community.”³⁹⁷ Established before the Civil War as a trading city, the ante-bellum merchants of Chetopa had attempted to cultivate a trading relationship with the indigenous peoples who lived less than 12 miles away in the newly established Indian Territory. As the last stop before the Territory, a lucrative business in “spirits” had developed – it was the rowdiness associated with the flourishing taverns and bars that had motivated the public meeting. By

Johns Hopkins University Press, 1997) and “Non-Partisan and All-Partisan: Rethinking Women’s Suffrage and Party Politics in Gilded Age Kansas,” *The Western Historical Quarterly*, Vol. 25, No. 1 (1994), 21-44; Wilma M. Smith, “A Half-Century of Struggle: Gaining Women’s Suffrage in Kansas,” *Kansas History* 2 (Summer 1981), 74-95. On the historiography of western women and politics, see Elizabeth Jameson, “Women as Workers, Women as Civilizers: True Womanhood in the American West,” in Susan Armitage and Elizabeth Jameson, editors, *The Women’s West* (Norman, OK: University of Oklahoma Press, 1987).

³⁹⁷ *Chetopa Advance*, February 17, 1869.

1869, the founding fathers of Chetopa, intent on creating a new image for themselves, had embarked on a new course emphasizing sobriety.

Chetopa was not the only city intent on establishing control over the liquor trade. The *Osage Mission Journal* reported that the citizens of Ladore, in response to the tragedy its citizens had endured at the hands of drunken railroad workers, “have determined that the law shall be executed restraining and regulating the sale of intoxicating liquors and that some regard shall be had for the observance of that higher law ... which has declared that good order, sobriety, safety to life, limb and honor are infinitely greater importance to any community than pandering for filthy lucre’s sake to the debased tastes and passions of those who, unfortunately for themselves, are slaves to strong drink.”³⁹⁸

It is interesting to note the use of the words “slaves” in the announcement -- for as the temperance movement grew in southeast Kansas, like the abolitionist movement before it, it soon became a movement in which women played a dominant role. The first indication that women were taking a strong interest in combating the “evils of liquor” can be found in the *Labette Sentinel*. By 1871, in villages, towns and cities throughout southeast Kansas, literary societies had been formed. Typically meeting one evening a week, people gathered to discuss the important issues of the day. Ordinarily, the debates were a time for the leading

³⁹⁸ *Osage Mission Journal*, June 29, 1870.

men of the village, town or city to show off their oratory skills. However, in the city of Labette, when the decision was made to discuss the question – “Which is the greater evil, war or intemperance?” –the ladies took the lead. As the *Sentinel* reported, “Several of the debaters were young and made their ‘maiden’ speech, receiving applause from the hearers, especially the ladies.”³⁹⁹ In April, noted Temperance speaker Fannie Allyn(e) visited Oswego and spoke to a packed audience in the Methodist Episcopal Church “on the subject of temperance.” In May, the *Tioga Herald* printed a poem entitled “The Drunkard’s Daughter” in which the author argued strongly that because it was women who bore the brunt of alcohol’s scourge, it was women who should take the lead in opposing it.

Go, to my mother’s side
And her crushed spirit cheer,
Thine own deep anguish hide
Wipe from her check the tear
Mark her dimm’d eye, her furrowed brow
The gray that streaks her dark hair now
Her toil-worn frame, the trembling limb
And trace the ruin back to him

³⁹⁹ *Labette Sentinel*, February 9, 1871.

Whose plighted faith in early youth
 Promised eternal love and truth
But who, foresworn, hath yielded up
 This promise to the deadly cup
And led down from love and light
 From all that made her pathway bright
And chained her there, 'mid want and strife,
 The lowly thing, a Drunkard's wife
And stamp'd on childhood's brow so mild
 That withering blight, the Drunkard's child.

...

Tell me I hate the bowl!
 Hate is a feeble word
I loathe, abhor—my very soul
 With strong disgust is stirr'd
When e'er I see or hear or tell
Of that dark beverage of hell.⁴⁰⁰

⁴⁰⁰ *Tioga Herald*, May 27, 1871.

Events in southeast Kansas paralleled those in the nation. As women throughout the Northeast worked together to close down saloons, women in southeast Kansas began to challenge the men in their community. It seems to have begun mildly – in the winter of 1872, the papers began to report stories of women entering saloons to find their fathers, husbands, and brothers and bring them home. The *Tioga Herald* was the first to report the phenomenon: It would appear from what we learn of the saloon on the corner of Main and Fifth streets, that the ladies sometimes pay the concern an occasional visit. Not to drink, however, but to entice their male relatives home. This week one of these lady visitors while trying to get her brother out of the place, took umbrage at something and smashed in a window.”⁴⁰¹ This was a bold move – one that challenged the geographical boundaries of patriarchal society. Saloons were no place for married women –only whores and prostitutes frequented saloons. In fact, so strong was the aversion to women in saloons that it had been put forward as a compelling reason for women not to vote by “Mollie” in the 1868 debate over female suffrage in the *Neosho Valley Eagle*. Mollie had written: “Think of a woman, on election day, at the polls, amongst a class of men whom her husband might not associate with, without danger to his character; a woman cannot well be deaf and dumb and blind to all the obscenity and low jokes of such a place and

⁴⁰¹ *Tioga Herald*, February 17, 1872.

keep her name spotless.” For Mollie, the very act of entering a saloon and/or associating with those who worked there stripped a woman of her purity and imperiled the essence of her feminine virtue – “Could she look up to her husband with the same respect and confidence she now does? No! Verily No!”⁴⁰²

However, as women assumed new positions of leadership in their growing communities in the early 1870s, the “Mollies” of southeast Kansas began to redefine their role vis-à-vis the saloon and by extension vis-à-vis the men of their community. Instead of withdrawing from society to preserve their domestic tranquility, they began to engage society in an attempt to extend the boundaries of that tranquility and to save their men from the corruption of disorder and chaos. By the summer of 1872, southeast Kansan women had come together to assert their demands.

The *Transcript* reported that the Jacksonville Temperance Society appointed a committee of three ladies to request the “Saloon Keeper” to desist from selling “Intoxicating liquors.” On Saturday morning, July 6th, the three members of the committee, Maia Ammerman, Hiddie Dement, and Kiziah Moaks, walked down the main street to the Saloon and officially presented their “request” in the form of a written letter to the saloon owner:

⁴⁰² *Neosho Valley Eagle*, June 20, 1868.

Mr. Joseph Pittman, Sir:--In the name of suffering humanity; in the name of violated law; in the name of those husbands and fathers, who, with blasted reputations, wasted fortunes and ruined health, are tottering on the brink of destruction; in the name of those brothers and sons who are fast brutalizing, and transforming into drunkards; in the name of those wives, mothers, and daughters, whose cheeks you have covered with shame, and whose hearts you have filled with anguish, at the degradation of those they love; in the name of those unfortunate families whose means of subsistence you are unlawfully obtaining, or causing to be squandered, from whose hearth-stones you have already banished peace and happiness and are substituting in their stead, want, wretchedness and ruin; yes, in the name and on behalf of all classes of our long-suffering community,--we, the undersigned, a committee appointed for the purpose, at a public meeting of our citizens, do hereby respectfully, yet earnestly request and entreat you to abandon your unlawful traffic, and henceforth to refrain entirely from selling intoxicating liquors to our community.

Signed: Maia Ammerman, Hiddie Dement, Kiziah Moaks⁴⁰³

⁴⁰³ *Transcript*, July 19, 1872. The paper did not record the response of Joseph Pittman, but from later stories, it appears that he did not heed their “request.”

Not all women were content to “make requests” of their local saloon keepers. The *Southern Kansas Advance* told the story of Justina Bookter who tracked her husband down in the local saloon and, upon entering to find him with a drink in his hands, “dashed the cup from his hand and ‘went for’ the saloon keeper.”⁴⁰⁴ The *Osage Mission Journal* reported that members of the local Temperance Society had sent “postcards” to the owners of local saloons warning them that the ladies would be “going for the saloon keepers, if they don’t give up the ghost, or in other words, stop disposing of spirits of the ardent variety.”⁴⁰⁵ The ladies of the Oswego Temperance Society adopted a similar strategy by sending the following letter to each of the saloon keepers in Oswego:

Sir: You are hereby notified and warned that unless you desist from your pleasant nefarious business of selling whiskey to the ruin of the business and souls of the community, we shall visit your place of crime in a body on Thursday, March 5th, at 10 a.m. and invoke the aid and blessing of

⁴⁰⁴ *Southern Kansas Advance*, November 2, 1873. The saloon keeper complained to the local law authorities and Justina was fined three dollars for her aggressive behavior.

⁴⁰⁵ *Osage Mission Journal*, March 4, 1874.

Almighty God to so enlighten your minds that you may be enabled to realize the great sin you are committing, and forever abandon your present wretched business.

Ladies Temperance Com.⁴⁰⁶

The editor of the *Oswego Independent* was one of the first to publicly acknowledge the challenge these women of the Temperance movement were presenting to the patriarchal underpinnings of southeastern Kansan society. “For weary, despairing years they have waited to see the reform that should protect them from further harm. ... Losing all faith in men, what can they do? There is but one thing for them to do. ... It is a shame to manhood that it is necessary, it is a glory to womanhood that it is possible.”⁴⁰⁷

However, not all of the men in southeast Kansas believed that these activities “glorified” women. The editor of the *Parsons Sun*, Milton Reynolds, although a vocal advocate of the idea of “temperance,” refused to allow his wife to participate in “the crusades” (as the women’s activities were called).⁴⁰⁸ The

⁴⁰⁶ *Oswego Register*, March 7, 1874.

⁴⁰⁷ *Oswego Independent*, May 9, 1874.

⁴⁰⁸ For a discussion of the Crusades’ impact on the development of the Women Christian Temperance Union in the late 1870s, see Nancy Garner, *For*

editor of the *Parsons Eclipse* publicly called for an end of the “crusades” arguing that “the women’s crusade will do inestimable damage.” What offended him the most was the fact that it was led by women who were intent on transgressing appropriate decorum: “The religion of the crusader is that of the fanatical propagandist; it is both aggressive and offensive.”⁴⁰⁹

The image of women banding together, entering saloons and making demands of men while threatening violence if their demands were not heeded, threatened the patriarchal images of society embraced by many male leaders in southeast Kansas.⁴¹⁰ Although united in the desire for good order and social

God and home and native land : the Kansas Woman's Christian Temperance Union, 1878-1938, (dissertation, University of Kansas, 1994), especially chapter 1, “The Women’s Crusade in Kansas; Prelude to the Formation of the Kansas WCTU”, 25-91.

⁴⁰⁹ *Parsons Eclipse*, June 11, 1874.

⁴¹⁰ Not all local leaders responded this way; as reported on May 21st in the *Parsons Eclipse*, the pastor of the Parsons Methodist Episcopal Church, the Rev. Mr. Gunn, had publicly announced his support for the Crusade by arguing that “he would be proud to see his wife engaged in that war—thought it was the tendency to elevate and ennoble womanhood and make them feel the tremendous power they possessed for good.”

stability and thus concerned about the effects of drunkenness on their local communities, these men did not wish to see the women of their communities abandoning the social boundaries that had been prescribed for them.

Men thus responded to the perceived challenge by aggressively reminding women of their “proper place” in society in a series of editorials, published by several papers throughout southeast Kansas, that (re-)asserted a traditional patriarchal view of male-female relations. Undoubtedly, these missives were part of a larger 19th century genre of popular literature in which, as the historian Laura Edwards has noted, “domestic writers bombarded their audiences with practical advice, heavy-handed prescriptions on appropriate womanly conduct and syrupy sentimental fiction.” However, as Edwards makes clear, we should not overlook their significance by “mistak(*ing*) the genre’s melodramatic superficialities for historical insignificance”; instead it is important to understand that these “domestic writers were involved in a profound ideological project.”⁴¹¹ In his study of nineteenth century agricultural newspapers, Richard Farrell found that editors overtly solicited farm women in their papers, allotting an ever increasing

⁴¹¹ Laura F. Edwards, “Gender and the Changing Roles of Women,” in William Barney, editor, *A Companion to 19th-Century America* (Malden, MA: Blackwell Publishers, 2001), 224.

amount of space to topics that appealed to female readers.⁴¹² This is also noted by Bennett who argues that “Newspaper editors knew they had access to women and therefore catered to this female reading audience to encourage their interest in newspapers and by extension, purchasing newspapers.”⁴¹³ Indeed, as Lisa Bunkowski has noted in her study of emerging communities in Butler County, “newspapers in the West actively disseminated the more conventional paradigms of separate spheres and ‘True Womanhood.’ By defining the appropriate roles and behavior of women, purveyors of social norms clearly delineated the appropriate roles and behavior of men.”⁴¹⁴

⁴¹² Richard Farrell, “Advice to Farmers: The Content of Agricultural Newspapers, 1860-1910,” *Agricultural History* 51, no. 1 (1977), 209-217.

⁴¹³ Lynn Bennett, *Living on the Edge*, 56.

⁴¹⁴ Lisa Miles Bunkowski, *The Butler County Kansas Vigilantes: An Examination of Violence and Community, 1870* (dissertation, University of Kansas, 2003), 50. For an overview of the scholarship on the ideology of the separate spheres and the cult of domesticity, see Barbara Welter, “The Cult of True Womanhood, 1820-1860,”; Linda K. Kerber, “Separate Spheres, Female Worlds, Woman’s Place.” For a broad analysis of the evolution of the cultural understanding of masculinity, see E. Anthony Rotundo, *American Manhood:*

Male-female relations were thus a frequent theme in the initial editions of the first newspaper to be published—the *Neosho Valley Eagle*. On May 9th, 1868, in the second edition of the paper, the editor addressed the subject by publishing a short article entitled “Woman.” The article expressed the blend of fascination and confusion many men were experiencing by comparing women to a “complicated machine.” The author concluded that “her springs are indefinitely delicate and differ from those of man pretty nearly as the work of a repeating watch does from that of a town clock. Look at her body, how delicately formed. Examine her sense, how exquisite and nice! Observe her understanding, how subtle and acute! But look into her heart: there is the patchwork, composed of parts so wonderfully combined that they must be seen through a microscope to be nearly comprehended.”⁴¹⁵

In the next edition of the paper, the editor returned to this theme – after opining that “of all women she is most to be pitied who has a slow suitor,” he related the story with obvious approval and admiration of a “legendary puritan” who rode up to the door of the house where the girl he had chosen to marry

Transformations in Masculinity from the Revolution to the Modern Era (New York: Harper Collins, Basic Books, 1993).

⁴¹⁵ *Neosho Valley Eagle*, May 9, 1868.

resided, and after announcing without delay “Rachel, the Lord hath sent me to marry thee,” received the prompt reply: “The Lord’s will be done!”⁴¹⁶

Other editors made similar use of their columns. The *Osage Mission Journal* published an article entitled “The Quiet Woman” in September. In this article, the editor reminded his readers that “quiet women” are “the wine of life.” Unlike “nervous, enthusiastic and talkative women,” the “quiet woman” does not agitate for her rights or seek her own interests. Instead, “she is wise and thoughtful, but loving and meek. ... In sorrow or illness, the quiet woman is nurse, counselor and friend. She soothes, comforts and caresses, and is the unfaltering guide of the weak and erring, through her own noble and unerring instincts. ... She moves silently and orderly; even her garments falling in soft harmonious flow. She does not irritate with questions, but surprises and pleases by her unobtrusive anticipations. She rarely speaks.”⁴¹⁷

The picture painted here of the ideal woman stresses her passivity—she does not initiate but responds; she does not seek to fulfill her own desires but exists to fulfill the wants and needs of her husband. The *Neosho Valley Dispatch*

⁴¹⁶ *Neosho Valley Eagle*, May 16, 1868.

⁴¹⁷ *Osage Mission Journal*, September 17, 1868.

was in complete agreement: “Let the wife only understand and have faith in her true position—that of women ‘the helper.’”⁴¹⁸

The *Neosho Valley Eagle* published a short article entitled, “Good counsel from a wife and mother” on the front page of its November 21st edition in 1868. According to this article, alleged written by a seasoned and experienced “old woman”, it was the woman’s responsibility to ensure her husband’s fidelity:

It will not do to leave a man to himself till he comes to you, to take no pains to attract him or to appear before him with a long face. It is not so difficult as you think, dear child, to behave to a husband so that he shall remain forever in some measure a husband. ... A word from you at the right time will not fail of its effect; what need have you to play the suffering virtue? The tear of a loving girl, says an old book, is like a dew-drop on a rose; but that on the cheek of a wife is a drop of poison to her husband. Try and appear cheerful and contented, and your husband will be so; and when you have made him happy you will become so, not in appearance, but in reality. The skill required is not so great. Nothing flatters a man so much as the happiness of his wife; he is always proud of himself as the source of it. As soon as you are cheerful you will be lively

⁴¹⁸ *Neosho Valley Dispatch*, June 29, 1869.

and alert, and every moment will afford you an opportunity to let fall an agreeable word.

The *Southern Kansas Advance*, sought to ground this conception of “passive femininity” in nature itself: “Women are naturally less selfish and more sympathetic than men. They have more affection to bestow, greater need of sympathy, and are therefore more sure, in the absence of love, to seek friendship. The devastating egoism of man is properly foreign to women. ... The cardinal contrast holds that women are self-forgetful, men self-asserting; women hide their surplus affection under a feigned indifference; men hide their indifference under a feigned affection.”⁴¹⁹

The editor of the *Oswego Independent* registered his agreement by arguing that “the loveliest adornment of perfect womanhood is unconsciousness of self.” In fact, feminine passivity was more important than any other quality that a woman might possess; as he went on to explain, “If the woman possessed of this rare virtue be lacking in physical beauty, nay, even plain, there is a charm in her innocence and simplicity more potent than the smiles of the fairest featured siren that ever deluded the susceptible heart of man. ... True beauty lies in the hidden perfection of the soul. ... No feminine face is truly beautiful that does not wear,

⁴¹⁹ *Southern Kansas Advance*, February 16, 1870.

to a certain extent, an expression of contentment and repose.”⁴²⁰ The *Tioga Herald* added its weight to the ongoing social discourse by asserting that “the husband’s interest should be the wife’s care, and her greatest ambition carry her no further than his welfare or happiness together with that of her children. This should be her sole aim, and the theater of her exploits in the bosom of her family.”⁴²¹

These perspectives were reinforced by a series of poetic celebrations of feminine passivity. Entitled variously as “A Maiden’s Psalm of Life,” “The Perfect Woman,” “A Wife’s Song,” “The True Woman,” “The Young Wife’s Prayer,” “A Happy Woman,” “The Old Maid’s Psalm,” these poems advanced the patriarchal assertions contained within the prosaic editorials.⁴²² So occupied were the editors with this theme that in announcing the election of Ulysses S. Grant to the presidency in 1868, the *Osage Mission Journal* rejoiced in the fact that this meant Mrs. Grant would be the first-lady. For, as the paper explained to its

⁴²⁰ *Oswego Independent*, November 2, 1872.

⁴²¹ *Tioga Herald*, March 2, 1872.

⁴²² *Osage Mission Journal*, September 2, 1869; *Southern Kansas Advance*, January 26, 1870; *Southern Kansas Advance*, February 2, 1870; *Southern Kansas Advance*, December 7, 1870; *Neosho County Dispatch*, January 20, 1871; *Oswego Register*, January 27, 1871; *Tioga Herald*, June 24, 1871

readers, “It is gratifying to know that the position is one which Mrs. Grant will fill with that true simplicity of an American woman.” This simplicity assured Americans that “there will be no attempt to ape the grandeur of a regal court, and no vulgar striving after more sensation.”⁴²³

In conclusion, it is important to underscore that the self-congratulatory character of these editorials and poems betrayed a contextualized anxiety experienced by male settlers. That the settlers were alternately alarmed and confused is made clear in a jeremiad published in the *Erie Ishmaelite* in which the editor noted the shocking presence of “hermaphrodites” in southeast Kansas—genderless beings living among them who, as he explained, “hadn’t pluck enough to be a man and too little modesty to be a woman.”⁴²⁴ The struggle to define the social contours of settler society and to delimit the acceptable boundaries of political activity revealed the deep tensions lying just below the surface. Overshadowing both, however, was the larger threat of the railroads. All could be lost – everything that the settlers had worked for and dreamed of was at stake. Thus, it was to this struggle that the settlers dedicated themselves as the new year approached.

⁴²³ *Osage Mission Journal*, December 4, 1868.

⁴²⁴ *Erie Ishmaelite*, March 17, 1871.

Chapter 5: The Hour of Triumph: the Settlers' Victory, 1875-76

On July 11, 1868, as he mused about the inevitable coming of the Railroads, the editor of the *Neosho Valley Eagle* could not quite make up his mind as to whether it was a good thing or bad – “We do not oppose railroads, but as a general thing, railroad companies swallow up whole communities in their capacious jaws. They do everything for the dear people, only to gorge their own plethoric purses.”⁴²⁵ Southeast Kansas settlers often found themselves confounded by the Railroads. On the one hand, the Railroads clearly stood in their way by actively opposing their attempts establish title to their claims – the Railroads were thus clearly on the side of the monopolists and speculators intent on taking away the freedom and liberties of ordinary people. Yet, on the other hand, the Railroads offered financial prosperity by promising new markets for their crops.

Like a siren's call, this promise could often sway even the most dedicated adversary. As the *Osage Mission Journal* reminded its readers, “That Southern Kansas is soon to be the great Railroad center of the now far west seems to be admitted by every one ... Possessing a rich, productive country the thrifty farmers

⁴²⁵ *Neosho Valley Eagle*, July 11, 1868.

of Southern Kansas are already demanding an outlet for their produce.”⁴²⁶ The *Neosho Valley Register* was also won over: “Only one thing is lacking to this splendid domain: railroads. In the advocacy of railroads, making this a distinctive feature of our paper as we do, we know we are advocating the true interests of Southern Kansas and the State at large. At the present rate of immigration and settlement of this portion of the State, railroads become something more than a convenience and luxury. They are an indispensable necessity.”⁴²⁷ Even the *Eagle* was forced to agree, “The many railroads that are now making way, both from Missouri and Kansas, to us will open the country and enhance the value of cultivated land and proportionately increase the value of uncultivated as well as city and town property together.”⁴²⁸

Yet, behind every note of approval lurked the reminder that the Railroads were not an unmitigated blessing – as the *Neosho County Dispatch* informed its readers: “We were led to believe—perhaps foolishly—that there would be some way devised by which each actual settler would be allowed to purchase his land from the government at \$1.25 per acre. But now it seems to be settled that the railroad has vested rights here, and that those who have gone on those lands

⁴²⁶ *Osage Mission Journal*, December 10, 1868.

⁴²⁷ *Neosho Valley Register*, June 2, 1869.

⁴²⁸ *Neosho Valley Eagle*, January 2, 1869.

subsequent to the withdrawal will have to look to the railroad company for their title.”⁴²⁹ Editor Horner likewise reminded his readers of the true nature of the ‘Railroad Question’ – “These facts are simply appalling—In the face of such legislation, the homestead and pre-emption laws are a cheat and a delusion. The public schools are robbed to satisfy the greed of the rapacious monopolist. Senators are bought like oxen in the shambles. The homes of the hardy pioneers are relentlessly wrested from them by soulless corporations, and the foundations of perpetual and ruinous monopolies are being laid, to grow into dangerous proportions and overshadow the land with their withering blight.”⁴³⁰ Yet, even Horner could not resist the bemusing pledge of future prosperity – “Our railroad prospects brighten day by day, and probabilities are fast ripening into certainties.”⁴³¹

There were no railroads in southeast Kansas when the first veterans arrived in the months following the Civil War. Railroad interest in southeast Kansas was rooted in its geographic position as a place to go through in order to reach Texas. Motivated by a desire to connect markets in Chicago and St. Louis with the lucrative southern cattle trade, the Railroads initiated plans to lay tracks

⁴²⁹ *Neosho County Dispatch*, July 13, 1869.

⁴³⁰ *Chetopa Advance*, February 17, 1869.

⁴³¹ *Chetopa Advance*, December 8, 1869.

in Labette and Neosho Counties. As geographer James Shortridge has noted, “the owners had a bigger prize in mind. To reach the Gulf Coast.”⁴³² Southeast Kansas was thus “in between;” to the Railroads its primary asset was its geographic position.

Three Railroads competed to control the Texas trade: the Leavenworth, Lawrence Galveston (LLG), the Missouri, Kansas and Texas (M-K-T), the name assumed by the Union Pacific, Southern Branch, in March of 1870, and the Border tier from Kansas City owned and operated by railroad magnate, James Joy. Since Indian Territory lay south of Kansas, all three railroads negotiated rights to continue laying track after they had passed through southern Kansas with the Cherokee Nation in the 1860s. In 1870, however, the Cherokees decided that only one Railroad would be allowed to enter its territory.⁴³³ Thus, the race was on. The first Railroad to reach the Kansas-Indian Territory border would be given exclusive rights to build through Indian Territory. Of the three roads competing, two decided to build through the Osage Ceded Lands: the M-K-T and the LLG.

⁴³² James Shortridge, *Cities on the Plains: The Evolution of Urban Kansas* (Lawrence, KS: University Press of Kansas, 2004), 118.

⁴³³ This decision was supported by J. D. Cox, the Secretary of the Interior, in a report to President Grant in a May 21, 1870 memo.

Joy decided to take a route that hugged the Missouri-Kansas border and thus to build through the Cherokee Neutral Lands, east of the Osage Ceded Lands.

As news of the railroad competition reached southeast Kansans, local leaders began to speculate where the tracks would be laid even as local citizens began to dream about their future prosperity. Horner assured his readers that the coming of the railroads would bring a transformation to Chetopa. “Our town,” he told them, “will more than double the number of its population and buildings.”⁴³⁴ Anticipating that Chetopa would be the place where the Railroads would build their depot, he promised them “a metropolitan city and commercial emporium. Here will be immense machine shops and manufactories.”⁴³⁵ Most importantly, Horner promised his readers that the coming of the Railroads would bring an end to their financial struggles: “Hitherto we have been poor in spirit and in pocket. The near approach of railroads is already bringing an influx of capital without which no country can be developed. Claims will give place to farms, cabins to comfortable farm-houses, squatters to farmers, coaches to railroads, shiftlessness to industry.”⁴³⁶

⁴³⁴ *Chetopa Advance*, March 24, 1869.

⁴³⁵ *Chetopa Advance*, September 29, 1869.

⁴³⁶ *Southern Kansas Advance*, January 26, 1870.

Throughout the region, newspaper editors joined Horner in instructing their readers in the transformative powers of Railroads. Some insisted that the Railroads would bring new immigrants whose demand for land would increase land values. The *Osage Mission Journal* argued, “Building and operating such road will double the value at once of every farm and village lot in the respective townships which would be traversed by the road in question, and this value would be still again doubled within five years of such a time as the road is finished ... Now do our farmer friends want their land to be worth fifty and a hundred dollars per acre, instead of one fourth those prices; with a brisk demand in the one case and ‘no sale’ in the other?”⁴³⁷

Others chose to emphasize the lucrative effect of being connected to eastern markets. The *Advance* argued, “The products of our fertile prairies must seek the Eastern markets. The great mass of immigration is pouring from the East. All our commercial affiliations are with the East. It becomes us, then, to allow no delay in looking well to our Eastern railroad connections.”⁴³⁸ The *Neosho Valley Register* warned its readers that “without railroads, five years hence corn will sell in Allen, Labette and Neosho Counties at 20 cents per

⁴³⁷ *Osage Mission Journal*, August 11, 1870.

⁴³⁸ *Southern Kansas Advance*, April 13, 1870.

bushel.”⁴³⁹ A correspondent to the *Chetopa Advance* agreed, insisting that without railroads the growth being experienced by local businesses would be short-lived—“ Our merchants are doing a good business, but are very much troubled consequent the difficulty of getting goods freighted from the end of the railroad. It is hoped this difficulty will be removed ere very long by the appearance of a railroad through the town.”⁴⁴⁰

The *Journal* reminded its readers that a Railroad was essential to the future because it would connect Osage Mission “with the commercial centers to which we are tributary” and would “open such means of speedy and cheap transit for merchandise and immigration already of vast proportions.” Furthermore, without a Railroad connection, the paper warned, Osage Mission risked becoming “an isolated town with Railroads running all around us, yet sufficiently near to cut off our trade and shear us of all local importance and thrift.” The danger to Osage Mission was real – as the editor reminded his readers, “We are not always to have a home market made by a preponderance of immigration, who are consumers rather than producers, but soon shall raise and export many thousands of bushels

⁴³⁹ *Neosho Valley Register*, June 2, 1869.

⁴⁴⁰ Letter from an unnamed correspondent to the *Chetopa Advance*; published on December 15, 1869.

of wheat, corn and potatoes and ship fat beeves from our cattle on a thousand hills to supply distant markets and hungry people.”⁴⁴¹

By far, however, the strongest argument advanced on behalf of the Railroads was put forward in the *Parsons Sun*. To Editor Milton Reynolds, the Railroad was the instrument of civilization “that forced the march of our empire westward” – thus, only by being linked to the great centers of civilization in the east could southern Kansas escape the stigma of savagery and barbarity. As Reynolds explained, ““The engine is more powerful than the Indian. The one represents progress and civilization; the other, barbarism and the middle ages. The engine carries with it schools, churches, material wealth, state and national development.”⁴⁴² In fact, in developing this theme, Reynolds asserted that without the Railroad, the settler would be no better off than the Indian whose land he had taken. “Railroads and settlement go hand in hand, and our rich lands stimulate them both. Neither of them would be of value without the other. The state of Kansas was hardly worth inhabiting without railroads.” It was the presence of the “railcar” that allowed the settler to “feel still that he is in the midst of civilization.”⁴⁴³

⁴⁴¹ *Osage Mission Journal*, June 20, 1870.

⁴⁴² *Parsons Sun*, June 17, 1871.

⁴⁴³ *Parsons Sun*, July 1, 1871.

The editor of the *Tioga Herald* was in full agreement, as he reminded the paper's readers: "As a civilized power, as a sure means of developing the resources of a country, they (i.e., Railroads) cannot be over-estimated. The history of great Western cities ... proves that railroads make cities."⁴⁴⁴ The *New Chicago Transcript* made a similar point in 1872: "The vast territory comprising our commonwealth, now dotted with cities, towns, villages and farms in every condition of improvement was, but a decade since, a vast wilderness, inhabited only by the Indian and wild animals. What has produced the change? Why, our railroads, and nothing else."⁴⁴⁵ The *Oswego Register* attributed even more to the railroads, claiming that "of all the agencies set in motion by the genius and the energy of the nineteenth century, the locomotive is entitled to the foremost rank. By the aid of that marvelous machine it is hardly too much to say, that a social, financial and industrial revolution has been accomplished ... It has given to peace a new meaning and a larger prosperity; it changed the science of war by breaking down the barriers of time and space; it has reached and moved all classes of society from highest to lowest, and permanently associated itself with that

⁴⁴⁴ *Tioga Herald*, June 3, 1871.

⁴⁴⁵ *New Chicago Transcript*, May 10, 1872.

indomitable enterprise and wonderful progress which are the most prominent features of the age.”⁴⁴⁶

Behind every positive assertion, however, lay the harsh reality encountered by settlers in the Humboldt Land Office. Added to this was the insensitivity and incompetence of the Railroad land agents who had been sent to convince the settlers to purchase their lands from them. The Missouri-Kansas-Texas Railroad had appointed Isaac Goodnow as their land agent.⁴⁴⁷ Universally despised by settlers, Goodnow did nothing to advance the cause of the Railroad. In fact, as the *Parsons Sun*, explained, his presence only made a bad situation worse: “Goodnow has outlived his day of usefulness as Land Commissioner. His vascillating (*sic*) course, his unequal, unjust and high appraisements, his treatment of individual applicants for land, have simply made it impossible for settlers on

⁴⁴⁶ *Oswego Register*, October 17, 1873.

⁴⁴⁷ Isaac Goodnow (often referred to in correspondence and articles as “Professor Goodnow” because of his previous occupation as a teacher) was married to Eleanor D. Denison, the sister of the vice-president of the M-K-T, George Denison. Masterson notes that “his appointment to the powerful (and profitable) post of M-K-T land commissioner was consequent upon his marrying the boss’s sister.” See V. V. Masterson, *The Katy Railroad*, 89, footnote 2.

the Osage lands to do business on the Osage lands to do business at the land office with Goodnow at the head.”⁴⁴⁸

Since it had reached the Border first and thus was the Railroad in the greatest need of cash to continue its track-laying southward, the Missouri-Kansas-Texas tried the hardest to reach a settlement with the settlers.⁴⁴⁹ On January 10, 1870, Levi Parsons, the President of the M-K-T, had announced that he would build a second railroad line, reaching east into Missouri, to a junction with the Missouri Pacific. As he explained to the Board of Directors, “The moment we reach Indian Territory, this line will require such a connection in order to handle effectively the potentially great traffic between that area and the markets of the

⁴⁴⁸ *Parsons Sun*, August 17, 1872. Ultimately, even the Railroad was forced to agree with Reynolds. As Levi Parsons wrote to Stevens: “Professor (Goodnow) does not understand men and frequently fails to grasp the magnitude of this Land question. He is faithful & earnest, but at times, rather precise.” Letter of Levi Parsons, to Robert Stevens, dated August 29, 1872. (Stevens Family Papers #1210, Division of Rare and Manuscript Collections, Cornell University Library, Ithaca, NY)

⁴⁴⁹ The LLG also tried to come to terms with the settlers; like the M-K-T, however, its refusal to negotiate and its insistence on its legal right to the lands alienated the settlers.

North and East.”⁴⁵⁰ To accommodate this new line and to coordinate the transfer of cattle and other cargo, Parsons asked Robert S. Stevens, the general manager, to choose a strategically position site for a central depot. As a result, the Parsons Town Company was formed in October 1870 to choose the land and initiate the process by which the depot would be built. The town site of Parsons was surveyed in February of 1871, and on March 8, individual lots were sold to prospective settlers. Within a few days, two thousand settlers had completed their purchases and were preparing to move to the new town. Stevens himself took up residence in the town and spent the first few months working to establish a number of business enterprises in Parsons.⁴⁵¹

Stevens, however, did not forget the larger duty incumbent upon him – which was to arrange a profitable settlement with the settlers. Thus, in September, he toured the Ceded Lands with land agent Isaac Goodnow. The goal of the trip was to convince editors to publicly support the Railroad and to see if arrangements could be made with some of the more important settlers to sell the

⁴⁵⁰ Quoted by V. V. Masterson, *The Katy Railroad*, 27.

⁴⁵¹ Stevens created the first bank in town (the First National), established the National Mill and Elevator Company, convinced his cousin E. B. Stevens to open the Belmont Hotel, and coordinated the opening of a lumber yard and whole grocery operation.

land claimed by the railroad. As Stevens reported to Parsons the tour met with at least partial success, “While at Chetopa Professor Goodnow and myself had a very long conversation with Horner and I also had a short one. He has been acting under ‘Company.’” The meetings with settlers did not however achieve much: “Coming up to Oswego, we were met by a number of citizens. The land question was immediately taken up. There was great complaint made in regard to the appraisement of lands being excessive. ... We however talked plainly to the people. Editors, lawyers, and businessmen together with some bond-holders joined in the conversation and we parted with a very much better state of feeling existing in the minds of the people. Such conversations are productive of great good.”

Stevens then went on to propose working to arrange a deal with a few of the more prominent settlers, “a small body of them scattered through the tract,” hoping that these settlers would then “become advocates of that being done by all.”⁴⁵² In May of 1872, Stevens revealed that he had been forced to hire a spy, “a good candid square man,” whose charge was “to see them quietly and ascertain

⁴⁵² Letter of Robert Stevens to Levi Parsons, dated September 22, 1871.

(Stevens Family Papers #1210, Division of Rare and Manuscript Collections, Cornell University Library, Ithaca, NY).

the real state of affairs.”⁴⁵³ And, in 1873, as his frustration mounted, Stevens even suggested using violence to influence the settlers: “I have no doubt they would be ready and willing, at any time you desire or think it advisable so to do, to put into operation the ‘Ku Klux’ law as a means of testing what virtue there is in that method of doing business.”⁴⁵⁴

The problem, as Stevens soon discovered, was that settlers were stubborn and editors frequently uncooperative, even though, as he assured Company president George Denison, “efforts are being made to induce all the papers to advise the people in accordance with your views.”⁴⁵⁵ His complaints were frequent, and as the years progressed, grew increasingly alarmist. He complained

⁴⁵³ Letter of Robert Stevens to Levi Parsons, dated May 14, 1872. (Stevens Family Papers #1210, Division of Rare and Manuscript Collections, Cornell University Library, Ithaca, NY).

⁴⁵⁴ Letter of Robert Stevens, to George Denison, dated June 9, 1873. (Stevens Family Papers #1210, Division of Rare and Manuscript Collections, Cornell University Library, Ithaca, NY). There is no record that anything was ever made of this suggestion.

⁴⁵⁵ Letter of Robert Stevens, to George Denison, dated February 13, 1872. (Stevens Family Papers #1210, Division of Rare and Manuscript Collections, Cornell University Library, Ithaca, NY).

of his inability to control local editors, “Horner of the Advance is a crotchety fellow and to keep him well in line is necessary that frequent interviews should be had.”⁴⁵⁶ He notified his superiors of activities among the settlers that could lead to political problems, “I also send you a printed letter of Lawrence to the settlers on the Osage Lands which is being quite extensively circulated among the settlers. It is going to be exceedingly difficult to have any compromises or any satisfactory arrangements with them, so long as men occupying the position he does write such letters. Please give it careful analysis.”⁴⁵⁷ And, he communicated fear for his own safety: “Great danger is to be apprehended from the settlers on the Osage lands; that they profess to be much dissatisfied with the appraisement and are holding nightly meetings. ... I would not be surprised to see the feeling

⁴⁵⁶ Letter of Robert Stevens, to George Denison, dated February 13, 1872. (Stevens Family Papers #1210, Division of Rare and Manuscript Collections, Cornell University Library, Ithaca, NY).

⁴⁵⁷ Letter of Robert Stevens, to Levi Parsons, dated February 15, 1872. (Stevens Family Papers #1210, Division of Rare and Manuscript Collections, Cornell University Library, Ithaca, NY).

existing in southern Kansas crop out in some unpleasant form at any moment.”⁴⁵⁸

Finally, he warned officials that the settlers were even anticipating violence against railroad property: “The settlers on the Osage Lands are now fully organized, have meetings twice a week in every township, and it is stated that they are determined to resist our claim at all hazards. ... The settlers claim that I am responsible for the appraisement and the only way to bring matters to a crisis is by tearing up track, burning the bridge or either seizing upon the person or killing some of the principal men connected with the Company.”⁴⁵⁹

The organization of settlers to which Stephens was referring was the “Settlers’ Protective Association.” Formed out of the various extra-legal Committees and Clubs that had functioned in the small communities, towns and cities of the Osage Ceded Lands in the late 60s, this Association was the first to unite the settlers into one large integrated force in opposition to the Railroads. Although meetings had been held in the fall of 1869 to protest the difficulties

⁴⁵⁸ Letter of Robert Stevens, to Levi Parsons, dated May 7, 1872. (Stevens Family Papers #1210, Division of Rare and Manuscript Collections, Cornell University Library, Ithaca, NY).

⁴⁵⁹ Letter of Robert Stevens, to Levi Parsons, dated May 14, 1872. (Stevens Family Papers #1210, Division of Rare and Manuscript Collections, Cornell University Library, Ithaca, NY).

settlers were encountering in trying to record their claims, the impetus for the formation of this united Association was provided by an announcement that appeared in local papers in June of 1870. Signed by Isaac Goodnow, the brief statement informed all settlers (both on odd and even sections) that they had 30 days to record their claims or else.

To Settlers on Osage Lands:

All persons on EVEN sections of railroad lands will have thirty days from date in which to come up to the principal land offices in Neosho Falls and buy the same at the appraised values, or else give place to others who will buy.

ISAAC GOODNOW

The response of the settlers was unequivocal – they were incensed. As the *Advance* proclaimed, “We consider the above notice as being an outrage on the settlers, and exceedingly faulty in spirit—Who are the ‘High Mightinesses’ of the M. K. & T. that speak in such a sharp tone? ... Another notice or two like this would make ‘all persons’ among such settlers come up in 30 days (or less) and administer a salutation lesson to such haughty toned monopolists as would learn

them to treat settlers and others decently in official intercourse.”⁴⁶⁰ The *Osage Mission Journal* agreed and warned the Railroad that such actions could only lead to renewed opposition on the part of the settlers: “We considered this a very extraordinary notice, arrogant in tone, and unaccommodating in spirit, and such a one as would beget ill-will on the part of those affected by it. Such a spirit is already evoked; and there is a probability that ‘Leagues’ may be formed and an era of opposition to the Railroad and its claims ushered in.”⁴⁶¹

It appears that this notice was the last straw for settlers already on the edge – as the *Osage Mission Journal* announced, the settlers had had enough: “A Monster Mass Meeting will be held at held to commence on the morning of the 4th and last two days.”⁴⁶² On the morning of the 4th, settlers from Neosho and Labette Counties gathered to deliberate on the appropriate action.⁴⁶³ As we have seen, the celebration of the 4th of July was an important event in the life of the

⁴⁶⁰ *Southern Kansas Advance*, June 2, 1870.

⁴⁶¹ *Osage Mission Journal*, June 16, 1870.

⁴⁶² *Osage Mission Journal*, June 30, 1870.

⁴⁶³ Mary Ryan has discussed the antebellum roots of this “meeting-place democracy” in *Civic Wars: Democracy and Public Life in the American City during the Nineteenth Century* (Berkeley, CA: University of California Press, 1997). See also Simon Newman, *Parades and the Politics of the Street*.

early communities. Eighteen seventy's 4th proved to be no different; as the *People's Advocate* reflected on the gathering, it explained its significant: "You assembled at Ladore on the 4th of July, the anniversary of the nation's birth and boldly proclaimed your determination to stand up for your birthright as American freemen, cost what it might."⁴⁶⁴ After listening to the speeches of the organizers, the settlers voted to organize and appointed an executive committee to arrange meetings in every township in Neosho and Labette counties. The purpose of each "neighborhood" meeting was "to select a good and true man, competent to serve as a member of the permanent Executive Committee" so that each community in the Ceded Lands would be represented at a general meeting to be held in the fall.⁴⁶⁵

One such meeting was held in Mound Valley in the western portion of Labette County on July 23rd. Gathering in the center of town, the one-hundred settlers in attendance voted to call themselves the "Anti-Monopoly League of Mound Valley" and to act in connection to the "grand council of the settlers" that was forming. After organizing themselves into an official organization by voting to approve a Constitution, each settler agreed to donate one dollar and then signed pledge in which they promised "to buy no lands of the Railroad companies until

⁴⁶⁴ *People's Advocate*, May 25, 1871.

⁴⁶⁵ As reported in the *Kansas Democrat*, July 21, 1870.

the question involving title to said lands is settled by legal tribunals of the country.” They also promised to fully fund the expenses of the legal battle – “ I will hold myself in readiness to pay such sum or sums of money into the treasury as may be assessed by the chief executive committee of the grand council of settlers, not to exceed the sum of ten dollars (unless approved by a vote of the members), for prosecution any test case or cases that may be had in this, the settlers behalf.” Finally, each settler promised to act in consort with the larger community of settlers by stating publicly: “I will also in good faith carry out the orders, rules, requirements of said chief executive committee for the faithful performance of this pledge.”⁴⁶⁶

Large public meetings were held throughout Neosho and Labette Counties during the months of July and August. On the 6th of September, the men that had been elected in each local meeting met in the city of Ladore to officially form “The Osage Ceded Lands Settlers’ Protective Association.” Duly formed, the Association then voted to elect a small “Executive Committee” of respected men to canvass the Counties to raise the necessary funds to fight the Railroads in Court. Another important task delegated to this committee was keeping the Association together. To this end, the decision was made not to endorse political candidates or to align themselves with any political party. Committee members

⁴⁶⁶ As reported in the *Kansas Democrat*, July 28, 1870.

repeatedly insisted that “this society was entirely aloof from politics and intended to remain so.”⁴⁶⁷

Throughout the winter of 1870-71, two committee members, D. C. Hutchinson (a Civil War veteran) and G. W. McMillen (a respected Doctor), visited each local Association and urged them to cooperate. By February, they had completed their tour, and, as noted by the *Labette Sentinel*, reported a successful mission – “All dissensions, we learn, have been amicably settled, and the township associations are all working in concert.”⁴⁶⁸

Most importantly, the Association decided to enlist the talents of William Lawrence of Ohio. Usually referred to as “Judge” because of his tenure as Judge of the Court of Common Pleas and of the District Court in Ohio, Lawrence had represented the 4th Congressional District of Ohio in Congress since his election in 1865. He first came into national prominence as one of the authors of the bill of impeachment against President Andrew Johnson. At the request of the Association, Lawrence had visited with settlers on the Osage Ceded Lands in April and May in 1871. Traveling through both counties, he met with groups of settlers to hear their complaints and to assure them of their legal rights. Using familiar imagery he encouraged the settlers in their fight against the railroads; as

⁴⁶⁷ *Labette Sentinel*, October 27, 1870.

⁴⁶⁸ *Labette Sentinel*, February 2, 1871.

he explained to an assembled crowd in Chetopa: ““The question of land monopoly is not a new one, but as old almost as creation. Nearly 2000 years ago, an old land monopolist proposed to give away all the kingdoms of the earth on terms of worship only. The modern monopolist, less reasonable, demands not only worship, but a price for his lands holds.”⁴⁶⁹

Returning to Ohio in late May, Lawrence transcribed a letter to the settlers which he completed on June 5th and sent to the Association for dissemination in local newspapers. After reviewing the legal history of the Congressional acts pertaining to the Osage Ceded Lands, Lawrence forcefully argued that the railroads had no legal basis for their claims. As he explained in conclusion, “I believe that the railroad companies have no claim on any of the Osage Ceded Lands. ... I have an abiding faith in the legal positions I have taken and in the justice of the cause of the settlers.”

Lawrence’s legal arguments, presented in this early letter, would prove to be the basis upon which the lawyers would ultimately contest the case before the Supreme Court. He began the story in 1825, when the Osage peoples were assured in a treaty dated June 12th that the land was reserved to them “so long as they may choose to occupy the same.” The next development occurred forty years later, in a treaty dated September 29, 1865, when the Osage peoples agreed

⁴⁶⁹ *Erie Ishmaelite*, May 12, 1871.

to cede their lands in Kansas to the United States government. As Lawrence explained, it was this treaty which led to the settlement of the territory: “In accordance with the well known policy of the Government, and the inducements held out by the preemption laws, settlers immediately took possession of the land after the Indian title was extinguished, upon the common understanding that they were entitled to receive from the Government for homes the title to the lands they respectively occupied. An examination of the laws then in force and since passed will show the settlers were by law invited to occupy these lands and granted the privilege of acquiring titles.” That the settlers were not misguided, Lawrence argued, can be found in the stipulations of the Kansas-Nebraska Act of 1854 and the Homestead Law of 1862 as well as the joint resolution of April 10, 1869, which guaranteed settlers land at \$1.25 per acre so long as they lived on the claim and made improvements.

According to Lawrence, this right of settlement was the legal bedrock upon which the rights of the settlers were based. And, it was the background against which the United States governmental agreements with Railroads should be viewed. The Act of Congress on March 3, 1863 had granted to the state of Kansas “every alternate section of land designated by odd numbers for ten sections in width on each side of said road” for the purpose of aiding in the construction of a railroad from Leavenworth by way of Lawrence to the south line of the State. As Lawrence noted, if the law had stopped here, it would be difficult

to deny the claims of the Railroads. But the Act did not end at this point – instead it continued with a significant proviso: ““Provided, that any and all lands heretofore reserved to the United States by any act of Congress or in any other manner by competent authority for the purpose of aiding in any object of internal improvement or for any other purpose whatsoever be, and the same are hereby reserved to the United States from the operation of this act.” Thus, since the 1825 treaty guaranteeing the Osage Ceded Lands to the Osage “so long as they may choose to occupy the same” was in force when the 1863 Act was passed, it followed that, as Lawrence concluded, these lands “by the express terms of the act were reserved from its operation in all respects except only as to a right of way. This is so plain, it seems to me, as to require no argument.”

Lawrence was aware that the railroads claimed privilege under an Act of Congress passed on July 26, 1866 that had guaranteed to the Railroads alternate odd numbered sections to the extent of five alternate sections per mile on each side of the road in Kansas. But, once again Lawrence reminded his readers, the Act did not stop with these words but continued to add another proviso similar to that in the 1863 Act: “excepting from the operations of the act all lands reserved in any manner for any purpose whatever.” In 1866, the Osage Ceded Lands were still controlled by the Osage people. Even though they had agreed to the terms of a treaty in 1865, the fact that this treaty had not been approved by Senate or signed by the President meant that the lands were still under their management

and thus not privileged to the Railroads under the Act of 1866. In fact, because the Senate had added Amendments to the Treaty, the Osage did not sign it until September 21, 1866 – nearly two months after the Act of 1866 was passed. Once again, Lawrence insisted: “The reasons already assigned are sufficient to show that no railroad grant was made in these lands.”

In conclusion, however, Lawrence insisted that as important as these legal arguments were, they should not be considered the foundation of the settler’s claims. For Lawrence and the settlers, the core issue was one of basic values. To allow Railroads to claim land that had been improved and lived upon by ordinary citizens was a betrayal of all that Americans had stood for. As Lawrence argued, “Justice, sound policy, the interests of all, require that the settlers on the Osage Ceded Lands should be secured in the title to, and enjoyment of, the homes which they occupy. To crush them or take from them the earnings of years of industry with which they might beautify and add value to their prairie farms and enable them to share the burdens of taxation and general improvement, is to crush the prosperity of more than fifteen hundred families and farms and homes, in a region as beautiful and fertile as any on the footstool of God.”⁴⁷⁰

⁴⁷⁰ “*The Osage Ceded Lands. Who Owns Them? The Settlers vs. the Railroads. Views of Judge Lawrence of Ohio*” (n.d., n.p.) A copy of this

Inspired both by Lawrence's presence and words, the Settlers' Protective Association continued to hold meetings throughout the summer and fall of 1871. Tensions were high as gossip worked its way through communities. Accusations and counter-accusations against the Railroads and suspiciously cooperative settlers were spread – the *Tioga Herald* lamented, "Every few days some new rumor is set afloat concerning the land controversy between the railroad company and the settlers."⁴⁷¹

In the winter of 1872, the LLG and the M-K-T sent high-level emissaries in an attempt to convince the settlers to agree to purchase their land from the Railroads and to stop the pursuit of legal action. However, even the appearance of the President of the LLG failed to move the settlers or to help resolve the situation. The *Tioga Herald* summarized the situation in this way:

"Friday of last week President Walker, of the L. L. & G., came down on the 4 p.m. train, and was met here by Dr. G. W. McMillan and Mr. Greene, a committee on the part of the Settlers' Association, who desired to confer with him in reference to an amicable adjustment of the land question. From what we learn of the meeting very little was accomplished by it. Mr. Walker maintains that the

pamphlet is in the Newberry Library. The entire letter was printed in the *Parsons Sun* on July 15, 1871.

⁴⁷¹ *Tioga Herald*, November 11, 1872.

company's title to the lands is absolute and clear, and that the price at which they have been appraised is not above what it should be. He therefore does not consider that the company has any compromise to offer, or any concessions to make. On the other hand, the gentlemen who represent the settlers contend that the price fixed for the lands is much too high and entirely beyond the reach of a majority of them if they were disposed to buy."⁴⁷²

The President of the M-K-T, Levi Parsons, did not come, but sent his brother instead. Stevens alerted Parsons to his arrival in May: "Your brother Randolph arrived this morning and is arranging to go South tomorrow morning. Will proceed directly to Neosho Falls, have a consultation with Prof. Goodnow will then go around pretty generally among the settlers, talking with the leaders, ascertaining if possible their sentiments, so as to know how best to act. I hope by this means to get up a better state of feeling, and if possible, to avoid any rupture. Will keep you fully advised."⁴⁷³

Although there are no internal records indicating what prompted this full-scale assault on the part of the Railroads, a hint can be found in a follow-up letter

⁴⁷² *Tioga Herald*, April 6, 1872.

⁴⁷³ Letter of Robert Stevens, to Levi Parsons, dated May 15, 1872. (Stevens Family Papers #1210, Division of Rare and Manuscript Collections, Cornell University Library, Ithaca, NY).

to Parsons in which Stephens remarked: “Your brother is now down among the settlers and after consultation with him, have decided not to take any application either to the General or Gov. Harvey until he had become better advised in regard to the real status of events.”⁴⁷⁴ Stephens was well aware that the Association had been sending letters to Governor Harvey and agitating its State representative to bring up their case before the Legislature. Elections were also scheduled for the fall of 1872 and several candidates were running for office on an anti-Railroad plank. The only recourse, as he explained to Randolph Parsons, was to cut them off at the pass – i.e., “move among settlers, establish a feeling of good faith and make them understand & realize the Co. is not their enemy. Such is my program. You know how to carry it out, if approved.”⁴⁷⁵

⁴⁷⁴ Letter of Robert Stevens, to Levi Parsons, dated May 18, 1872. (Stevens Family Papers #1210, Division of Rare and Manuscript Collections, Cornell University Library, Ithaca, NY).

⁴⁷⁵ Letter of Robert Stevens, to Randolph Parsons, dated May 22, 1872. (Stevens Family Papers #1210, Division of Rare and Manuscript Collections, Cornell University Library, Ithaca, NY).

As an old political hand, Stephens was not relying solely upon the persuasive power of Randolph Parsons.⁴⁷⁶ Behind the scenes, he was working hard to manipulate the political process to ensure that pro-railroad candidates were elected. As he explained to Levi Parsons, “I have taken measures to secure the nomination of sufficient number of Senators, friendly to the railroads, to checkmate unfriendly legislation on the part of the House, and I hope they may be elected.”⁴⁷⁷

Both the M-K-T and LLG initiated a public relations campaign aimed at discouraging settlers. Utilizing a “carrot and stick” approach, the Railroads threatened to sell the land out from under the settlers’ feet to new immigrants while at the same promising them leniency should they choose to purchase their land from the Railroads. In a pamphlet entitled, *Homes for All, and How to*

⁴⁷⁶ Before assuming the role of general manager for the M-K-T, Stevens had served as Superintendent for the sale of Indian Trust Lands in Kansas. For an introduction to the political career of Stevens, see Robert C. Stevens and Betty Adams, *Thunderbolt from a Clear Sky: the Irrepressible Life of Robert W. S. Stevens* (Rochester, NY: WME Books, 2006), especially chapters 3-9.

⁴⁷⁷ Letter of Robert Stevens, to Levi Parsons, dated November 4, 1872. (Stevens Family Papers #1210, Division of Rare and Manuscript Collections, Cornell University Library, Ithaca, NY).

Secure Them. A Guide to the Leavenworth, Lawrence & Galveston Railroad and Its Lands in Southern Kansas, the Railroad promised “the wealthier and more conservative class of immigrants who follow in the wake of adventurous pioneers” that “no better opportunity can be found” than to “buy land on which a commencement has already been made.” That the LLG was warning established settlers on the Osage Ceded Lands was made clear by the explanation that the “commencements” mentioned included “farms well inclosed (*sic*) and in a good state of cultivation.” In the same pamphlet, however, the Railroad assured settlers that “although they have no legal rights, the Company is disposed to deal leniently with them.”⁴⁷⁸ In April of 1872, the *Parsons Sun* reported that the Railroad had officially offered a “compromise solution” to the Association members that included “a reduction of 20 per cent, from the regular appraisal, with usual terms of payment” and a promise to extend the loan over ten years with the special stipulation of “no payment for five years, excepting interest each year in advance; next five years one-fifth payment of principal with annual interest.” The only requirement stipulated by the railroad was that “each settler shall accept the situation in good faith and contract within sixty (60) days from April 18th, 1872, and shall make affidavits that he is not interfering with the rights of any other

⁴⁷⁸ Quoted by Gates, *Fifty Million Acres*, 214-15.

person, under penalty of forfeiting all money paid, and every other claimed advantage.”⁴⁷⁹

Although the promise of easy credit seems to have induced a few settlers to settle with the Railroads, the requirement that they cease and desist from supporting other settlers in their struggle against the Railroads was too bitter a pill for most to swallow.⁴⁸⁰ In addition, as the *Tioga Herald* explained, for most settlers the price being asked for by the Railroads was beyond the financial capabilities of most settlers: “the gentlemen who represent the settlers contend that the price fixed for the lands is much too high and entirely beyond the reach of a majority of them if they were disposed to buy; and we are inclined to the belief that this opinion is correct. There is no disguising the fact that very many who are settled upon these lands would never be able with the means they are forced to begin with, to pay for them. They are poor and the fact that they are compelled to

⁴⁷⁹ *Parsons Sun*, April 20, 1872.

⁴⁸⁰ It is difficult to ascertain exact numbers for several reasons. The LLG did not distinguish the exact area of its land-sales in reporting them. There are no early records for the M-K-T – a fire in the early 20th century destroyed all of the files from the early days of railroad activity in southeast Kansas. Gates estimates that approximately 45,539 acres were sold between June, 1871, and April, 1872 for an average price of \$8.15 an acre. See Gates, *Fifty Million Acres*, 216.

make use of everything available to meet present wants absolutely precludes them from making the start necessary to pay for the lands.”⁴⁸¹ Furthermore, as Gates noted, “Kansans were not easily intimidated on land matters, particularly when absentee-owned railroads challenged their rights.”⁴⁸² Milton Reynolds acknowledged the same in a rueful editorial: “While some of the Settlers have accepted the propositions of Prof. Goodnow, published two weeks ago in the Sun, and contracted for their lands, a large number of them are wholly dissatisfied with them and they are now holding meetings in nearly every township and organizing more thoroughly than ever before with a determination to fight it out to the bitter end. We hoped the matter was settled, but now it seems, if possible, farther from it than ever before. This is much to be regretted by every good citizen.”⁴⁸³

In fact, in response to the full-scale assault of the Railroads, the Association successfully rallied most settlers to both ignore the threats and reject the offers made by land agents. T. C. Corey, a prominent local lawyer, argued strongly on behalf of the Association in a large gathering in Parsons. From the very beginning, he sounded a clarion call to action: “I am filled with something more than patriotism—a feeling akin to anger, and I feel more like war than

⁴⁸¹ *Tioga Herald*, April 6, 1872.

⁴⁸² Gates, *Fifty Million Acres*, 217.

⁴⁸³ *Parsons Sun*, May 4, 1872.

compromise.” Lest he be misunderstood, Corey then hastened to add his conviction that “reason, and not passion, should control the deliberations of this council.” Moving to the heart of his speech, Corey then strongly urged his fellow settlers to unity: “Let no threat or promise divide you; ours is a common cause, a common fate, a common destiny; we are all in the same box, and must all ride on the same gale or sink in the common vortex.” He also warned them not to pay attention to the “honied words and promises” of Railroad land agents: “If these companies ... could induce large numbers of you to purchase of them, they would have accomplished their object; you would be divided in council, in interest and in sympathy; you would be shorn of your strength, and they would rob you by detail.” In conclusion, Corey then called upon them to stand together: “Let your resolution be never to buy of the railroad companies, at least not until after the Supreme Court shall have decided against you.”⁴⁸⁴

The settlers remained agitated throughout the summer and fall of 1872 as Railroad agents and Association surrogates crisscrossed the Counties trying to recruit them to their side. Undoubtedly, many settlers found themselves confused by the legal back-and-forth of the lawyers who were representing both sides. On the issue of their rights as citizens, however, they remained certain. An interesting “parable” appeared in the *Parsons Weekly Herald* in the winter of

⁴⁸⁴ *New Chicago Transcript*, July 19, 1872.

1873 that summarized the perspective of most settlers. Utilizing themes and interweaving images from both Biblical and American history, the parable returned to the themes of “slavery” and “liberty” that were so important in the early years of settlement. Taken from a mythical “First Book of Monopolies,” the tale began with “the children of the tribes of Washington and Jefferson and of Adams” debating “the wise men of the East and the scribes and chief men of Ulysses.” According to the parable, the “children” stridently proclaim: “We will not become bondsmen and slaves for ten years, as thou desirest and because we are hewers of stone and tillers of the soil, and without great wealth, thou shalt not have any of the lands of the Osage, given as an inheritance to us and our children forever, but we will continue to possess and till the land.” Interestingly, after the debate continues, the story concludes on a triumphant note: “And the tribes of Washington and of Jefferson and of Adams did possess the land and prosper, and rose up in their might, and did despoil the powers of the wise men from the East and of the scribes and wise men of Ulysses, even as they had done aforetime with the kingdom of Jeff and again there was great joy and peace throughout the land.”⁴⁸⁵

⁴⁸⁵ *Parsons Weekly Herald*, May 29, 1873. The reference to the “kingdom of Jeff” is a clear indication that the Civil War remained a powerful image in southeast Kansas in the 1870s.

Convinced that their only hope for victory was in the courts, in the winter and throughout the spring and summer of 1873, the Association coordinated the filing of a series of lawsuits so that by September, as Stevens explained to Parsons, “46 suits have been commenced by settlers of Osage lands against the M. K. & T.”⁴⁸⁶ Ultimately, by August the Association had decided to combine these individual suits into two – one field in Neosho County and one in Labette. Although both local Courts decided in favor of the settlers, the Railroad declared their intentions to appeal the decisions – as far up the system as the Supreme Court.

Although pleased by the outcome, the Association was concerned by the paucity of financial resources at its disposal. Thus, in the summer of 1873, they scheduled another series of high-profile public meetings in an attempt to keep enthusiasm high and to aid in the raising of the funds needed to hire lawyers and coordinate the process of the legal appeals.

One of the largest of these meetings took place in early July in the city of Thayer. The *Osage Independent* reported that over 7000 people attended – “Seven hundred and fifty wagons were counted in procession. The delegation

⁴⁸⁶ Letter of Robert Stevens, to Levi Parsons, dated September 17, 1873. (Stevens Family Papers #1210, Division of Rare and Manuscript Collections, Cornell University Library, Ithaca, NY).

from Labette county was two miles long.”⁴⁸⁷ A correspondent to the *Osage Mission Transcript* boasted: “This has been one of the greatest days in the history of southern Kansas, and one long to be remembered.”⁴⁸⁸ Another large gathering occurred in the town of Erie on July 19th. According to the *Osage Mission Transcript*, over 2500 settlers stood in rapt attention to hear Honorable J. K. Hudson of Wyandotte County urge them to “organize—for what? Not to attack but to defend. Not to tear down other interests but to build up our own. Not to rush into a fight to destroy some class or classes who have taken advantage of our want of organization, but to organize as they have.”⁴⁸⁹

Kansas Governor Charles Robinson was also present and, in his speech, returned to familiar themes: “The heroes of ’76 underwent a seven year’s war rather than to submit to an unjust tax on tea and paper, amounting to a few thousand dollars, and we affect to honor their memories for their pluck. ... They declared certain truths were self-evident that some rights were inalienable and that governments were for the purpose of securing these rights to the governed. That when a government becomes destructive of these rights it was the right of the people to alter or abolish it.” Robinson’s purpose in bringing these historical

⁴⁸⁷ *Oswego Independent*, July 19, 1873.

⁴⁸⁸ *Osage Mission Transcript*, July 18, 1873.

⁴⁸⁹ *Osage Mission Transcript*, July 25, 1873.

images before the minds of his hearers was to encourage them to remain united in their struggle against the Railroads – “The colonies well understood the importance of union in their conflict. ... ‘Join or die,’ was their motto, and it was this point of union that won for them independence.”⁴⁹⁰

The last large outdoor rally of the year was held in Osage Mission on October 1, 1873. At this meeting, the keynote address was delivered by Representative Sidney Clarke. Like the other speakers, Clarke also rallied his hearers by reminding them of the past. But unlike Osborne, who had reached back to review the historic images of the nation’s founders, Clarke appealed to the experience of the settlers before him, “You are not here as the land monopolists assert, either as intruders or criminals. You are not here as enemies of your country or unmindful of its institutions or its laws. With undaunted courage, yet with sufferings and sacrifices such as the first settlers of a new country only know, and with an intelligent understanding of that protection and defense which the laws of your country give to every citizen: you have here made homes more sacred than the palaces of the monopolists, because you have built them by honest labor and money honestly obtained; ... and you would lack that fidelity inspired

⁴⁹⁰ *Osage Mission Transcript*, August 1, 1873

by the justice of your cause, if you did not defend them by all the legal and constitutional methods in your power.”⁴⁹¹

In February of 1874, the cases which had been appealed by the Railroad attorneys were heard by the Federal Appeals Court. At this hearing, the settlers were represented by Jeremiah Black, who had served as Attorney General (1857-60) under President James Buchanan, Judge Lawrence of Ohio, two local attorneys by the names of McKeighan and McComas, and Wilson Shannon, the former territorial governor of Kansas. Buoyed by this news and by the positive reports coming in from the legal team in Washington, the Association decided to call one last general bi-County Association Meeting in late May of 1874. The meeting on May 27th would prove to be the largest gathering of settlers in southeast Kansas in the 1870s and the last public assembly called for by Settlers’ Protective Association.

The *Oswego Independent* estimated that over 10,000 settlers were in attendance. As the more than 800 wagons rolled into Parsons in the morning, banners were unfurled. The *Independent* listed some of the more frequently repeated messages prominently displayed:

Vox populi, Vox Dei.

We mean business. The right shall prevail.

⁴⁹¹ *Osage Mission Transcript*, October 10, 1873

We will fight it out on the line.

United we stand.

We fought for the Union and we will fight for our homes.

Our homes at all hazards.

Settlers demand nothing but what is right and will submit to nothing wrong.

We fight for justice, the battle field is our homes and firesides.

We only claim justice for our cause is just.

The public domain for the actual settler only.

No railroad lands in Shiloh.

Milton Reynolds, of the *Parsons Sun*, was the first speaker. Reminding the crowd of Kansas' role in defending freedom during the Civil War, Reynolds asserted: "The ravines and valleys of this prairie State are vocal and resonant with requiems to the martyred dead who first fell in the cause of the oppressed and that Kansas might be free. Here the revolution was inaugurated, and here has been inaugurated another, and in some respects, a grander revolution against land monopoly and land thieves."

Sidney Clarke was also present and in his speech again cast the settlers' battle against monopolies in the light of their previous struggle to defend the Union against the southern Rebellion: "As the iron heel of monopoly pierces

more deeply the vitals of the body politic, and this government becomes more and more the government of the few at the expense of the many, the day of deliverance will come, and we shall all wonder, as in the cause of the emancipation of the slaves, that it was delayed so long.”⁴⁹²

Many settlers believed that the decision of the Circuit Court to hear the case would bring about a swift decision in their favor – even though Clarke had sought to disabuse them of this belief by reminding them that “the battle is not yet ended. Your foe is cunning, wiley, unscrupulous.”⁴⁹³ Not understanding the lengthy process by which a case proceeds to the highest Court, some papers mistakenly proclaimed final victory when the Federal Appeals Court ruled in October of 1874 in the settlers’ favor.⁴⁹⁴ Both the Leavenworth, Lawrence, and

⁴⁹² *Oswego Independent*, May 30, 1874.

⁴⁹³ *Oswego Independent*, May 30, 1874.

⁴⁹⁴ The Case was heard in Circuit Court, District of Kansas, in June of 1874.

The opinion of the Court was written by the Hon. Geo. W. McCrary, Circuit Judge, and ruled in favor of the settlers against the Railroad. (See McCrary 610, 26 F.Cas. 901, 1 Cent. L.J. 425, No. 15,582.) The response of the settlers in the Osage Ceded Lands was euphoric. For example, the headline in the *Oswego Independent* proclaimed on August 22, 1874 in bold letters: “HUZ-Z-Z-AH! GOD IN ISRAEL! GLORY HALLELUJAH! God and Humanity Triumphant!

Galveston Railroad Company and the Missouri, Kansas, and Texas Railway Company immediately appealed the verdict to the Supreme Court.⁴⁹⁵

The Supreme Court accepted the case into its October 1875 docket and heard the arguments on October 20-22, 1875. Although each Railroad had filed an independent suit, they were represented by the same attorneys: George F. Edmund, Matt H. Carpenter, S. O. Thatcher and P. Phillips. The settlers were represented by Jeremiah Black and William Lawrence; the United States government, which had joined the suit in favor of the settlers, was represented by the Attorney General Edward Pierrepont and the Solicitor-General S. F. Phillips; the State of Kansas was represented by the U. S. District Attorney for the District of Kansas, G. R. Peck.

The Supreme Court announced its verdict on April 10, 1876. The majority opinion of the Supreme Court upheld the settlers' contention that the railroads had no right to the land in the Osage Ceded Tract. Writing for the majority, Justice David Davis declared that the words "nothing adding thereto, nothing

THE SETTLERS VICTORIOUS! SUPERIOR COURT DECISION IN THEIR FAVOR!"

⁴⁹⁵ The Supreme Court ruled separately in response to each Railroad's appeal. The majority opinion, which was written in response to the appeal of the LLG, applied equally to the appeal of the MKT.

diminishing” precluded the Railroads from claiming any land in the Osage Ceded Lands. Davis’ opinion agreed with that which had been advanced by Lawrence in his original letter. As Davis wrote, “In concluding the treaty, neither party thereto supposed that any grant attached to the lands; for, as we have seen, all were to be sold, and the fund invested.” Furthermore, in words that seemed to confirm the interpretation that had been advanced by the settlers, Davis argued that “the policy of removal—a favorite one with the government, and always encouraged by it—looked to the extinguishment of the Indian title for the general good, and not for the special benefit of any particular interest.” Thus, “these lands, having been thereby set apart to be surveyed and sold for the benefit of the Indians, were ‘otherwise appropriated,’ as much as they had been before the treaty was concluded, and were consequently reserved within the meaning of the excepting clause in the act.”⁴⁹⁶

⁴⁹⁶ The court cases can be found in 92 U.S. (page 733 for the Leavenworth, Lawrence, and Galveston decision and page 760 for the M-K-T decision). Ironically, as Gates notes, Davis’ ownership of many prairie farms in Illinois put him with Richard Scully among America’s richest landlords. Nevertheless, he consistently ruled against land monopolies during his tenure on the Supreme Court. After the Supreme Court decision was revealed, steps were taken to procure Congressional legislation whereby the settlers could obtain title. A bill

When the news reached Labette and Neosho Counties that the Supreme Court had ruled in their favor, settlers reacted in barely contained exuberance. The *Chanute Times* reported, “Three hundred guns have been fired, bells are ringing, bonfires are burning, and flags are flying.”⁴⁹⁷ The *Oswego Independent* reported that “the explosion of fire crackers and fire arms exceeded that of the 4th of July. Then the anvils were called into requisition and fired in batteries until their vibration reached a radius of eighteen miles, in the direction of the wind. Processions with fifes and drums, paraded the streets until a late hour, while old and young, great and small, co-mingled in celebrating the event.”⁴⁹⁸ Similar celebrations were held throughout the Counties.

As to the importance of the Decision, all were in agreement. The *Parsons Eclipse* declared, “The Osage Ceded Land case is one of the most remarkable instances where truth and equity has triumphed over fraud and wrong.”⁴⁹⁹ The *Southern Kansas Advance* likewise hailed the decision as forever settling the

was prepared by Gov. Shannon, approved by the Grand Council of the Settlers’ Protective Association, and pushed through Congress. It was signed into law on August 11, 1876. See Gates, *Fifty Million Acres*, 220-21.

⁴⁹⁷ *Chanute Times*, April 13, 1876.

⁴⁹⁸ *Oswego Independent*, April 15, 1876.

⁴⁹⁹ *Parsons Eclipse*, April 13, 1876.

question of land ownership in the United States: “The long weary days, weeks and months of waiting are passed. The hour of triumph for the settlers has at last come. The decision just rendered in the great Osage Ceded Lands case is by the Supreme Court of our nation and therefore final; and forever settles the question as to where the title to these lands rests.”⁵⁰⁰ Interestingly, Nelson Case, one of the first to put into writing his recollections of the history of the early years of Labette County, noted that the significance of this legal triumph was not that the settlers could then purchase their lands for \$1.25 per acre; in fact, many noted that the cost of the trial which was borne by the settlers actually raised the cost of each acre significantly so that the settlers could probably have paid less for their land by working out a compromise payment schedule with the Railroads. But for Case, the battle was just and the triumph justifiably important “because it was a vindication of a right principle, and showed that a body of men, though poor, when banded together and determined may secure their rights, even against great odds.”⁵⁰¹

⁵⁰⁰ *Southern Kansas Advance*, April 13, 1876.

⁵⁰¹ Nelson Case, *History of Labette County*, 373.

Conclusion

The story of the settlers who came to southeast Kansas in the late 1860s and their struggles to build communities founded on law and order told in this dissertation has been largely overlooked by historians. Part of this neglect is related to the contemporary insignificance of southeast Kansas in the economic and political life of the state. Part of it is also related to the lack of interest shown by historians in the people and events of the years between the end of the Civil War and the rise of Populism. Another reason has been the influence of the “east to west” paradigm of early historiography. To many earlier historians, the “real” story in the post-Bellum period was the settling of western Kansas and the struggles of immigrant groups to build communities in the harsh and unyielding climate of the western plains. As social historians of the Civil War have recently begun to note, another complicating factor has been the disregard for the after-War lives of soldiers shown by many historians in early generations. The convergence of these causes (and possibly others unnoticed by me) has led to the eclipse of the civil war veterans who came to Labette and Neosho Counties in the post-Civil War history of Kansas.

It is my argument in this dissertation that our understanding of the Sunflower State is thus incomplete. Although historians (and thus “history”) have passed them by, barely noticing their efforts to both build and defend their homes

and communities, the veteran settlers of southeast Kansas have much to teach us. Theirs was the last stand against Railroad claims to public land; theirs can also be considered a first battle in the war against monopolies that would be continued in force by the Grangers and then Populists of the 1880s and 90s. They looked to the War of 1776 for abiding political principles even as they struggled to define the meaning of the War of 1860. Struggling against the Railroads, they became dependent upon the Railroads for their financial survival. Seeking to establish and maintain local control, they found themselves inescapably relying upon the decisions and actions of others. Ironically, their greatest moment of triumph occurred not in Parsons, Chanute, or Osage Mission, but in the nation's capital, and was achieved, not by a group of yeoman farmers, but by educated lawyers.

The story of the men and women who settled the farms and built the communities that still mark the maps of southeast Kansas is at its heart quintessentially American. It is the story of people inspired by Republican ideals, of a self-reliant people who look to each other for support and rely on each other in times of struggle, of a people who in seeking to preserve a known past unwittingly create an unknown future.

Their story is also quintessentially Kansan. They brought pre-existing cultural assumptions with them to Kansas and sought to build their new homes following the cultural and political structure of the old. Yet, the challenges presented by the unique environment and historic situations they encounter in

Kansas forced them to creatively reassess the past in an effort to create the future. It is this unique mix of conservative idealism and progressive pragmatism that has defined the Kansas spirit and created her unique role in U. S. history. Few areas illustrate this more clearly than that of the Osage Ceded Lands in the 1860s and 70s.

Appendix A:

Osage Mission: the Story of Catholic Missionary Work in Southeast Kansas

When the first Jesuit missionaries to arrive in southeast Kansas alighted from the ox-drawn wagon train that had brought them from St. Louis over the course of fourteen long days, they were enthusiastically greeted by a large group of expectant Osage men, women and children. As Fr. John Bax, one of the priests, recalled: “It would be impossible to paint for you the enthusiasm with which we were received.” Interestingly, Fr. Bax was not sure he shared the Osage’s joy. As he reminisced in 1850, “At first sight of these savages, I could not suppress the pain I felt. ... Half-serious, half-jesting, I thought that a truly savage portion of the Lord’s vineyard had been given to me to cultivate.”⁵⁰²

As this vignette reveals, the relationship that developed between the Osage peoples and the Roman Catholic Church in southeast Kansas in the nineteenth century was complex. It is the purpose of this paper to explore the contours of this relationship by analyzing the ability of the Osage people and Jesuit priests to

⁵⁰² Fr. John Bax to Fr. Peter John De Smet, June 1, 1850. Fr. Peter John De Smet, editor, *Western Missions and Missionaries: A Series of Letters* (New York, 1863), pp. 354-55.

construct a common, mutually comprehensible world in spite of cultural misunderstandings, fear, and religious bigotry.

Like most indigenous peoples, the pre-contact history of the Osage is shrouded and obscured in the darkness of early American pre-history. What we know about the early history of the Osage can be summarized thus. At some point, a large group of Dhegian-Siouan speakers, composed of Quapaw, Osage, Kansas, Omaha, and Ponca peoples, left the eastern forests of the Ohio Valley and migrated across the Mississippi River. Whatever the reason for the move (scholars disagree), once they had crossed the Mississippi, the tribes then separated. The Osage settled along the Great Plains prairies where they established villages near the headwaters of the river that became known as the Osage. Adapting to this location, the Osage merged their older agricultural way of life with elements more in keeping with their new prairie existence. Because the region into which they had moved was a transition zone between eastern forests and western plains, they were able to keep many of their older ways. However, their move west also brought significant changes to both their way of life and collective cultural identity. The Osage referred to themselves as “the children of the middle waters” and, from the standpoint of both history and culture, this name was fitting. The Osage way of life was a unique blend of

woodland and grassland cultural patterns.⁵⁰³ In addition, by learning to creatively exploit their geographical position, the Osage developed a cultural predilection for compromise and carefully cultivated the art of negotiation from “the middle” in order to preserve their way of life.

In the nineteenth century, however, the Osage discovered that their greatest asset—their geographical location—had become a heavy liability. Given the location of their villages and their proximity to the Mississippi River, the Osage were among the first western tribes to feel the impact of the aggressive policy of Indian removal pursued by both federal and state governments in the early nineteenth century. In the 1820s, over six thousands Cherokee were forcibly moved to settlements along the White and Arkansas Rivers while Creek and Choctaw people were relocated into the Ouachita Mountains south of the Arkansas River. The additional forced migration of Native peoples in the 1830s exacerbated this situation and increased pressure on the Osage. The victory of the Mexicans over the Spanish further disturbed the status quo for the Osage as previously closed borders were opened and American traders eager for Mexican

⁵⁰³ See James Christianson, “A Study of Osage History Prior to 1876” (Unpublished Ph.D. Dissertation, University of Kansas, 1969), chapters 2 and 3. See also Garrick Alan Bailey, *Changes in Osage Social Organization: 1673-1906* (Eugene, 1973), pp. 33-46.

goods turned the Arkansas Valley into a busy thoroughfare. The strategic position that had once provided the Osage with power and wealth increasingly lost its value as they found themselves facing expanding Native frontiers and advancing white settlement.⁵⁰⁴

The Osage responded to this pressure by seeking a negotiated settlement with the United States government and by initiating a cooperative relationship with the Jesuit priests of the Roman Catholic Church. It is the purpose of this paper to examine the second of these choices. As they realized that it was in their own best interest to adapt to certain aspects of Anglo-American culture, I argue that the Osage were pro-active in controlling their own destiny by choosing whom they would accept as cultural emissaries and teachers. Their decision to work with the Roman Catholic Church hierarchy enabled them to continue their long-standing tradition of preserving cultural autonomy through a skillful use of “in the middle.”

The Osage peoples first encountered a priest of the Roman Catholic Church on the Osage River in 1673, when several Osage towns were visited by Fr. Jacques Marquette. Fourteen years later (1687), Fr. Anastasius Douay, revisited these villages. As wandering French traders also married Osage

⁵⁰⁴ Bailey, *Changes*, pp. 49-59; Fred Voget, *Osage Indians I: Osage Research Report* (New York & London: 1974), pp. 349-56.

women, some Osage had come to accept at least a vestige of Catholic identity. James Christianson notes the significance of the Osage-French relationship by arguing that “the contacts between the Osage and the French were more peaceful, harmonious, and lasting than the associations of the Osage with any other people. This was no doubt due partly to intermarriage and some acceptance of Catholicism.”⁵⁰⁵ Because priests routinely traveled with French traders, the Osage became comfortable with Catholic clergy and developed a respect for the men who walked in their villages in distinctive “black robes.”

Thus, as it became clear that their future depended on learning the ways of the white men, the Osage, led by one of their leading chiefs Sans-Nerf, initiated a campaign to attract Catholic missionaries and teachers. In 1820, a contingent of Osage tribal leaders journeyed to St. Louis to meet with Bishop Louis William Valentine DuBourg (whom they referred to as the “Chief of the Black Robes”). A highly educated man (with a personal library of over eight thousand volumes), DuBourg was characterized by unflagging zeal for mission work (as well as an unfortunate tendency to over commit the scant resources of Catholics in the North America).⁵⁰⁶ At this meeting, the Osage leaders extended an official invitation to

⁵⁰⁵ Christianson, “Osage History,” pp. 18-19.

⁵⁰⁶ DuBourg had opened St. Mary’s School in Baltimore, suggested the site for the cathedral in that city and collected \$10,000 to build it. He was also

DuBourg to visit them. Sans-Nerf promised on behalf of the Osage that if he would come, “he could pour waters on many heads.”⁵⁰⁷

influential in the establishment of the Oblate Sisters of Providence, the first Catholic women religious order established by women of African descent. Bishop DuBourg is also credited with inviting St Elizabeth Seton to come to Baltimore and he later became the ecclesiastical superior of the order she founded, the Sisters of Charity. The pioneer groups of the Congregation of the Mission (the Vincentians) and the Religious of the Sacred Heart came to the United States through his efforts as well. The story of DuBourg’s life and ministry is recounted in Annabelle M. Melville, *Louis William DuBourg, 1766-1833, Vols. 1 and 2* (Chicago, 1986). For an overview of the Jesuit missionary effort in North America, see Colin Calloway, *The Scratch of a Pen: 1763 and the Transformation of North America* (New York, 2006), pp. 157-64.

⁵⁰⁷ “[Q]u’il y ferait beaucoup de bien, et qu’il jetterait de l’eau sur la tete de plusieurs.” Rev. Father Eugene Michaud, a grand-vicaire du diocese de Chambéry, juillet 1823, *Annales de la Propagation de la Foi: Des letters des Eveques et des Missionnaires des Missions des Deux Mondes, et de Tous les Documents Relatifs Aux Missions et a L’oeuvre de la Propagation de la Foi* 5 (Lyon, France: 1842): p. 56.

Excited by this proposal, Bishop DuBourg assured them of his eagerness to do so and honored them with gifts by distributing individual crucifixes and a neck ribbon with a medal medallion to each Osage leader.⁵⁰⁸ Subsequently, even though he was sorely lacking in both funds and priests, he commissioned Father Charles De La Croix to visit the Osage in 1822. Even though a Presbyterian mission had been established in southeast Kansas by this time, De La Croix found that the Osage still desired the presence of Roman Catholic missionaries.⁵⁰⁹ Forty Osage presented themselves for baptism, and their leaders reiterated their earlier invitation to Bishop DuBourg. Father De La Croix noted in his diary,

I have had the happiness of speaking to them (the Osage) in the Grand Council where all the chiefs, braves and warriors assembled. I spoke them

⁵⁰⁸ The full story of the Osage visit to the Bishop is given by Melville, *DuBourg*, pp. 611-13.

⁵⁰⁹ The inability of the Roman Catholic hierarchy to meet the request of the Osage in the 1830s because of the lack of both money and priests opened the door for Protestant missionaries to step in. Using their established political connections and reaching into the deeper pockets of their members, the United Missionary Society successfully convinced the government to back their endeavors. Between 1820 and 1830 the Mission, staffed mainly by Presbyterians, established five missionary stations among the tribe.

attired in surplice and stole, and with a crucifix in my hand which seemed to please them very much. ... The Osage Nation is disposed to receive the Catholic Missionaries as soon as the Bishop will be able to send them.⁵¹⁰

The second priest to visit the Osage was Fr. Charles Quickenborne.⁵¹¹ In 1823, DuBourg transferred the Novitiate of the Society of Jesus from Baltimore to Florissant, Missouri where they joined the Sisters of the Society of the Sacred Heart.⁵¹² DuBourg had given the Jesuits the land and all the buildings at

⁵¹⁰ De La Croix a Rosati, 18 juin 1822. Trans. Sister Mary Paul Fitzgerald, *Beacon on the Plains* (Leavenworth, KS, 1939), p. 242. Several letters by Father De La Croix recording his two visits to the Osage in 1822 are preserved in the Archives of the Archdiocese of St. Louis. The Archdiocesan Archives also contain several letters of Father Van Quickenborne related to his missionary visits to the Osage.

⁵¹¹ There is an oft-repeated “legend” by early settlers to southeast Kansas that Fr. Quickenborne was the “Black Robe Chief” mentioned in Longfellow’s poem, *Evangeline*.

⁵¹² The concordat relative to the rights and obligations of the Society of Jesus and the Bishop of New Orleans was signed on March 19, 1823. For an overview of the engagement of Jesuit priests in missionary work in the Americas, see Ross Alexander Enochs,

Florissant to establish a seminary which would train priests for mission work. Entering into an agreement with the Jesuit Superior in Maryland, Charles Neale, he entrusted the Jesuits with the care of the entire mission to the Native Americans and whites on the Missouri River and its tributaries.⁵¹³ DuBourg's missionary plan envisioned mission outreach from this location to all of the indigenous peoples in his diocese. In his role as Superior, Fr. Quickenborne concentrated his efforts on ministering to the Osage who by this point had been relocated to southeast Kansas. In 1827, 1828, and then again in 1830, he made the 300 mile trip to visit the Osage. In 1827, he baptized eighteen children; in 1828, he returned and baptized seventeen more. At the request of the Osage chiefs, he journeyed to each village where he catechized adults, baptized children and celebrated the Mass. In 1830, Quickenborne made his third (and final) visit in June when he baptized nine and married three Métis couples.

The Jesuit Mission to the Lakota Sioux: Pastoral Theology and Ministry, 1886-1945 (Kansas City, 1996), pp. 3-35.

⁵¹³ Gilbert Garraghan, S. J., *The Jesuits of the Middle United States, I* (New York, 1938), pp. 61-64.

It was not until 1847, however, that a permanent Roman Catholic mission was built on Osage land.⁵¹⁴ One reason for the delay was the paucity of funds and

⁵¹⁴ While researching the story of Osage Mission, the author consulted depositories at the Bureau of Catholic Indian Missions (Marquette University), the Jesuit Provincial Archives (Missouri and Wisconsin provinces), and the Annual Reports to the Commissioner of Indian Affairs (Regional Archives—Kansas City). The most important source of archival information was discovered at the Midwest Jesuit Archives at St. Louis University (St. Louis, MO) which contain many writings of Fr. Paul Mary Ponziglione. The two most important for this study were the collections of his *Writings* and a multi-volume work entitled *The Osages and Father John Schoenmakers, S.J., Interesting Memoirs collected from Legends, Traditions, and Historical Documents*. In addition, the labors of the historian William White Graves (St. Paul, Kansas) to collect, edit, and publish primary source material pertinent to the history of the Mission proved to be extraordinarily valuable. A graduate of the Jesuit school at Osage Mission, Graves edited and published the fruits of his extensive research in two volumes: *Life and Letters of Father Ponziglione, Schoenmakers and Other Early Jesuits at Osage Mission* (St. Paul, KS, 1916) and *Life and Letters of Rev. Father John Schoenmakers, S.J., Apostle to the Osages* (Parsons, KS, 1928). Most of the

the shortage of priests experienced by the Church in the 1830s and 40s. Another reason was the unwillingness of the United Mission Society which had stepped in to build a mission to allow Roman Catholics to take over their Mission even though they were aware of the Osage preference for Catholic mission work.⁵¹⁵ As one Protestant missionary publicly lamented in 1832, they had labored “without being confident that a single Indian had been converted through their instrumentality.” He blamed the Catholics – “many who had been fostered, and whose intellectual and moral character had been greatly improved” were nonetheless “drawn away by Catholic influence.”⁵¹⁶

An additional cause of the delay lay within the Jesuit community in Missouri. Distracted by an internal struggle to define the scope of their mission, the Jesuits did not seize the opportunity afforded by the withdrawal of the Presbyterians. Quickenborne had stepped down in 1830 as Superior. However,

primary source material related to the Mission found in the Midwest Jesuit Archives is reprinted in Graves’ works.

⁵¹⁵ In 1837, surrounded by controversy and the steadfast refusal of the Osage to participate, the Presbyterian Mission to the Osage closed. The story of the failed Presbyterian effort is recounted in Hollings, *Unaffected*, pp. 45-128.

⁵¹⁶ *Report of the American Board of Commissioners for Foreign Missions* (Boston, 1832), p. 112.

although he had requested to be allowed to spend his remaining years ministering to the Osage in Kansas, this request was denied by his successor, Fr. Theodore De Theux. De Theux did not share Quickenborne's enthusiasm for missionary work to the Osage, nor did he particularly like the older priest.⁵¹⁷ He therefore discontinued the outreach efforts to the Osage and instead redirected Jesuit efforts to support missions among tribes that had already been evangelized.

While the Jesuits were engaged in this debate, the Osage continued to struggle. By all accounts, the 1830s were difficult years. Forced out of Missouri and Arkansas into southeastern Kansas, they settled along the banks of the Neosho and Verdigris Rivers and adapted to the new situation. As they settled, they also continued to wrestle through the implications of their new social environment and to look to the Roman Catholic Church for help. In June of 1843, Chief Pawhuska along with three of his fellow Osage leaders wrote a letter to President John Tyler asking for schools and Jesuit missionaries. They wrote:

We prefer Catholic missionaries & would not wish to have any other—and until we have them to educate our young men and teach them how to use the implements of husbandry, it is not worth while to provide us with

⁵¹⁷ Local clergy complained of Quickenborne's bad temperament, describing him as gloomy, secretive and not easy to work with. "Hard on himself, hard on others" was the standard description (see Hollings, *Unaffected*, p. 142).

ploughs & such articles, not knowing how to use them, they are of no value to us ...For this purpose the missionaries are much needed & from the little acquaintance we have with the missionaries heretofore sent among us as well as among other Indians (*sic*) we think the Catholics would send us the best.⁵¹⁸

When this appeal went unanswered, the Osage Chief George White Hair sent another letter in 1844. Addressed this time to the Commissioner of Indian Affairs, T. Hartley Crawford, he repeated the request for a school and again suggested that Catholic missionaries be sent to operate it. White Hair wrote:

Hear what we have to say on this subject: We do not wish any more such missionaries as we have had during several years; for they never did us any good. Send them to the white; perhaps they may succeed better with them. If our Great Father desires that we have missionaries, you will tell

⁵¹⁸ Pahasca, Ticho-honga, Cho-ne-ksais, Wa-ma-ka Wachis, Haraita, Osage Sub-Agency to John Tyler, President of the United States, Washington D.C., June 14, 1843, *Letters Received by the Office of Indian Affairs, 1824-1881*. Osage Agency, 1824-1880. Record Group 75, M234. National Archives, Washington, D. C.

him to send us Black-gowns, who will teach us to pray to the Great Spirit in the French manner.⁵¹⁹

An interesting story related in the correspondence of Fr. Bax confirms the attitude revealed about the “other missionaries” in White Hair’s letter. When Bax arrived in southeast Kansas in 1847, he toured the scattered villages of the Osage with an interpreter. Entering one village of the Little Osage on the Verdigris River, called Huzegta, he appeared before the village elder and offered his hand (as he explained) “in token of friendship.” The chief refused to take it, asking instead: “Who are you?” When the interpreter announced that he was a missionary, the chief lowered his eyes and refused to acknowledge his presence. After a few moments, the chief uttered under his breath the dismissive words, “The missionaries never did any good to our nation.” Hearing this, the interpreter hurried to tell the chief that Bax was different—he was a “French *tapouska*, a Black-gown.” Hearing this, Bax reported,

Serenity reappeared on the visage of the chief, and he cried out, “This is good news.” He immediately offered me his hand, called his wife, and ordered buffalo-soup, wishing to feast my arrival. As soon as he

⁵¹⁹ Quoted by Father John Bax in his letter to Father Peter John De Smet, June 1, 1850. Fr. Peter John De Smet, editor, *Western Missions*, p. 352.

knew us and learned the object of our visit, his prejudices and his apprehensions vanished.⁵²⁰

The eagerness of the Osage was not reciprocated however by those in the Commissioner's office, where the letter sat unanswered until the summer of 1846. At that time, the Missouri vice-provincial, Father Van de Velde, traveled to Washington to press the issue with William Medill, the new Commissioner of Indian Affairs. Velde brought up the Osage request to the Commissioner and volunteered to send several Jesuits if the Bureau would provide the funds. After haggling over the cost, the Government finally agreed to support the initiative and promised the Jesuits one-half of each year's interest on the Osage educational fund (as had been stipulated by the 1825 Treaty)—a sum equaling approximately \$1000 per annum. It was thus, not until the spring of 1847 that Fr. John Schoenmakers, a forty-year old Jesuit from Holland, and Fr. John Bax, a Belgian Jesuit, along with Brothers John De Bruyn, Thomas Coghlan, and John Sheehan, arrived in southeast Kansas to begin their work of educating, civilizing and converting the Osage.

⁵²⁰ Letter of Father John Bax to Father Peter John De Smet, June 1, 1850.

Fr. Peter John De Smet, editor, *Western Missions*, p. 359-60.

Upon their arrival, the Jesuits threw themselves into the work with zeal. The population of the Osage at the time was approximately 5000, of which 3500 resided in small villages along the banks of the Neosho River while the rest lived in similar sized villages on the Verdigris. The Fathers built a small log-cabin Church building and two small school buildings near the village of the head Chief in the central location of Osage Mission (now St. Paul) on the Neosho River. Fr. John Schoenmakers was given the task of administering the school. On May 10, 1847, barely a month after they had arrived, the Osage Manual Laboring School opened. The total enrollment for the first year was twenty-eight. By the beginning of the second year, this had swelled to fifty. Believing that the education of girls was important, Father Schoenmakers also recruited the missionary Sisters of Loretto who opened a companion school for Osage girls in the fall of 1847.⁵²¹

⁵²¹ Enrollment at the schools steadily grew. By 1860, the number of students had risen to 136 boys and 100 girls. The trauma of Civil War and its disruption greatly impacted the school, as competing armies and militia traversed southeast Kansas, alternatively burning and looting villages and homes. The sale of the Osage land between the Neosho and Verdigris (known as the Osage Ceded Lands) in 1865 and the subsequent removal of the Osage peoples first to lands west of Verdigris and then south to Oklahoma further caused the number of

Fr. Bax devoted himself to the sacramental ministry. As has been pointed out already, each time a French priest had visited the Osage, he had baptized their children. Many of the baptized were the children of French men and Osage women. However, as Fr. Bax toured the villages and as the lay-brothers reached out to the local population, the number of baptisms grew, both among the Métis and the full-bloods. As Fr. Bax explained, the Jesuits worked hard to establish positive relationships with the Osage, “At my first visits, the children would not approach me. I dissipated their fears by giving them cakes and marbles, with which my pockets were always filled.”⁵²² They also distributed prayer-beads and metal crucifixes to Osage men and women. Fr. Paul Ponziglione, who succeeded Fr. Bax as priest of the parish, commented on the attachment of the Osage to these gifts, “The Osage have a great respect not only for the priest, but for anything concerning our holy religion, though but simple crosses, holy pictures, medals, and above all, prayer-beads.” Although the priests realized that many Osage did not understand the theology that these items expressed, they also believed in the

Osage children attending the Labor School to decrease until finally the school was transformed into an institution for the sons and daughters of white settlers who poured into the area after the Civil War.

⁵²² Letter of Father John Bax to Father Peter John De Smet, June 1, 1850. Fr. Peter John De Smet, editor, *Western Missions*, p. 359-60.

importance of external aids and their pedagogical value in adapting Native peoples to Christian cultural ways. As Fr. Ponziglione explained, “The wearing of these is equivalent, I would say, to a profession of faith.”⁵²³

The fact that the Jesuits did not have wives and children played an important role in helping to persuade the Osage to trust them. The large families of the Presbyterian ministers and the desire of the missionaries to have working farms (on Osage land) in order to feed their children had offended the Osage by reminding them of the ever-persistent American demand for land. The Jesuit fathers had no children, and thus demanded no land for their families. Furthermore, the lack of familial obligations freed the Jesuit fathers to travel with the Osage in their seasonal hunts. As Fr. Bax explained, “The Indians are attached to us, principally, say they, because we have no wives and children. ‘If you had,’ they say, ‘you would do like the missionaries (the Presbyterians) who

⁵²³ Fr. Paul Mary Ponziglione, “Kansas: Letter from Father Ponziglione, July 1, 1882,” *Woodstock Letters: A Record of Current Events and Historical Notes Connected with the Colleges and Missions of the Society of Jesus in North and South America* 11 (Woodstock, MD, 1882), p. 283. This is an important printed source for the *Writings of Father Ponziglione*. With the exception of one year, he contributed to every volume from 1875 to 1889, and then again to the volumes for 1895, 1896, and 1900.

preceded you, you would think too much of your families, and you would think too much of your families and you would neglect the red-man and his children.”⁵²⁴

Instead of insisting that the Osage come to them, as the Presbyterians had done, the Jesuits went to them. In fact, early Jesuit priests showed an almost indefatigable willingness to travel. A story, found in the letters of Fr. Bax, illustrates their dedication. It was evening in the autumn of 1848, when an Osage man arrived at the Mission. Looking very anxious, he begged Fr. Bax to come with him to visit his wife who was very ill. As Bax later recounted, “I had just arrived from a village called Cawva-Shinka, or Little Village, situated thirty miles from the Mission; I was exhausted with fatigue. But how could I resist an invitation so pressing and above all in circumstance so grave? After a moment of repose, I set out with the man.” They rode late into the evening and arrived at the lodge around midnight. Finding it filled with weeping women and children, Bax asked them to leave and then approached the women, lying unconscious on a dirty mat. All he could do was sit by her side and wait uncomfortably. As he recalled, “I never passed such a miserable night. The women and children recommenced their clamor; the dogs of the wigwam passed back and forward over me with such

⁵²⁴ Father John Bax to Father Peter John De Smet, June 10, 1850. W. W. Graves, editor, *Life and Letters*, p. 241.

steady regularity, that it would have been quite impossible for me to count the number of visits.”⁵²⁵ Although Fr. Bax was unable to offer medical care to this woman, and was forced to keep vigil together with her family and relatives, the fact that he was willing to sit by her side on the floor through the night could not help but impress the Osage. That this was so is evident by their reception the next time he visited the village. They presented him with twenty-five of their children to baptize.

In a letter written in 1850, Fr. Bax reported that he had baptized more than 500 and had administered last rites to 100. The manner of his untimely death, at the age of 32 two years later in 1852, underscores the depth of his compassion and care. When an epidemic of measles swept through the villages, the Osage appealed to the Jesuits for help. Using his limited medical knowledge to help relieve the suffering of the dying, Fr. Bax traveled from village to village, ministering to the sick. Over 1500 of the Osage died; according to contemporary reports, few of them died without baptism, holy unction and communion administered by the hand of Fr. Bax. Exhausting himself, even as he exposed himself to the disease, Fr. Bax died within six weeks of the outbreak. At his

⁵²⁵ Father John Bax to Father Peter John De Smet, June 10, 1850. W. W. Graves, editor, *Life and Letters*, p. 238.

funeral mass on August 5, so many Osage were in attendance that the coffin remained opened for hours after the funeral Mass until 2 o'clock in the afternoon.

Fr. Bax was replaced by Fr. Paul Ponziglione, who proved himself no less dedicated and no less willing to endure the privations of ministry in southeast Kansas. One story, probably apocryphal but nonetheless revealing, is that Fr. Paul was gone so long on one of his travels that the brothers had become convinced he had died. It was only when they had gathered for the funeral mass that Fr. Paul reappeared to everyone's relief. From his base in Osage Mission, over a forty-year ministry, Fr. Paul established 180 Catholic missions, eighty-seven of which were in southern Kansas and twenty-one in the Indian Territory.⁵²⁶

⁵²⁶ Ponziglione was the first Catholic priest to serve in thirty of the counties of Kansas. He also served in the Indian Territory (present day Oklahoma), and established missionary stations at the Indian agencies and military posts as far south as Fort Sill, near the Texas border. The following is a summary list of his missionary labors:

1854: 3 missions in Bourbon and Franklin counties
among the "Five Nations" and the Chippewas and
Appanoose;

1855 and 1856: 3 missions among the Native
peoples in Bourbon Country and Franklin County;

1 mission in Crawford County among the
“whites”;

1858: 15 missions in the following places: Mound
City, Greeley, Anderson County; Burlington, Leroy,
Humboldt, Elizabethtown and Iola, Allen County;

2 missions in Wilson;

2 missions in Greenwood Counties;

1 mission in Franklin, Crawford, Cherokee
and Woodson Counties;

1859: 1 mission in Little Osage, Bourbon County;
Pleasant Grove, Greenwood County; Granby,
Missouri; Defiance, Woodson County; and
Emporia, Lyon County;

1860: 2 missions were organized, one in Marion
and one in Allen Counties;

1863: 1 Church in Ft. Scott;

1866: the first stone Church edifice in southeast
Kansas in Humboldt;

1869: 6 new missions in Winfield, Hutchinson and
Council Grove;

A third priest to serve at Osage Mission was Fr. John Schoenmakers (1807-1883) who was assigned the task of building the school, while Fr. Bax and Fr. Ponziglione attempted to build up the parish and establish missions. Schoenmakers had left Holland at the age of twenty-six with the intention of volunteering for mission work among the Native peoples of the Americas. He was a novice in the Society of Jesus under the tutelage of Fr. Quickenborne when the Society transferred to Florissant. The following story illustrates the love and respect of the Osage for Fr. Schoenmakers. In 1875, after they had left Kansas for their final destination in Oklahoma, the Osage requested that he visit them. They were having serious difficulties with the newly appointed Indian agent, Isaac T. Gibson, and Fr. Schoenmakers was the only white man that they fully trusted. It had been five years since he had seen them; thus in his visit it was necessary to

1870: 1 mission in Eldorado, Greenwood and Independence;

1 church in Wichita (where the Cathedral now stands);

1872: 1 mission in Wellington;

1873: 1 mission in Oxford (Sumner County), Sedan and Elgin (Chautauqua County);

1889: 1 mission to the Crow tribe in Montana.

visit each and every village occupied by the Osage. It took him three weeks of constant movement; when he had finally seen everyone and had negotiated a peaceful settlement between Gibson and the chiefs he prepared to leave. On August 11, the day before his intended departure, he received word that a dying Osage had requested last rites and communion. Fr. Schoenmakers immediately stopped packing and rode twenty miles to the bedside of the sick, prayed with him and prepared him for death. He then rode back to the Agency to resume his packing in order to leave. During the night, he became very sick and the Agency doctor was called for. As news spread among the Osage, they began to gather outside the house, down the hall and in the room in which he was lying. When the physician complained that the Osage were inhibiting his ability to care for the sick and motioned for them to leave, they interpreted his violent gestures as boding ill-will for Fr. Schoenmakers. Convinced that he was about to kill their beloved priest, they grabbed him and threatened to scalp him. It was only the intervention of Fr. Schoenmaker's traveling companion, Brother O'Donnell, that convinced them to cease and desist. The Osage, however, insisted on keeping an armed guard by the priest's bedside until he recovered. Their watch was prolonged – it was not until September 25 that Fr. John Schoenmakers was able to return to Osage Mission.

As the story just recounted makes clear, by 1870 the Jesuit mission to the Osage peoples had ended. In 1865, the Osage agreed to sell the eastern-most

portion of their land (present day Labette and Neosho Counties) to the federal government and in 1867 they sold their remaining Kansas land. By 1870, the Osage left Kansas to settle on reservation land in the Indian Territory (present day northeast Oklahoma). Although the Jesuit Fathers requested the right to accompany the Osage, that request was denied by the federal government and the Jesuit fathers remained stationed at Osage Mission continuing to minister to the white settlers who were pouring into southeast Kansas. The Fathers did not abandon the Osage but continued to care for them despite their move south. Schoenmakers continued to agitate for them and to represent their concerns before the federal authorities; Ponziglione regularly visited the Osage on their new reservation, where he administered baptism to the newborn, extreme unction to the dying, and marriage vows to those who were living together while serving the Mass in their several villages. The Osage also did not forget the Catholics—the vast majority of Osage people still identify themselves as members of the Roman Catholic Church. But as an official mission, the Catholic outreach to the Osage came to an end in 1870.

As the Osage left, it was somewhat difficult to assess the “success” of the Jesuit Mission. Fr. Ponziglione admitted as much in 1869, “Whether the labors and expenses undertaken by the Mission for the civilization have been of real

utility to the Indian, I do not now intend to discuss.”⁵²⁷ To this day, the difficulty remains. To some extent, this is because success itself is so hard to define. If one measures success by the dedication, compassion and personal commitment of the Jesuit fathers, then undoubtedly this was a success. Conversely, if one measures success by the extent to which the fathers and sisters put aside their own cultural prejudices and embraced the cultural worldview of the Osage, then the Mission was a failure. Success could be measured statistically—by the number of Osage baptisms, by the number of communicants and/or the number of times Last Rites were administered—but this does not address the issue of why the Osage converted and to what extent they truly became “Catholic.”⁵²⁸ In my opinion, each of the above-mentioned approaches is misguided and doomed to failure (or, at least, continual debate and controversy).⁵²⁹ So with Fr. Ponziglione, I too

⁵²⁷ Fr. Paul Mary Ponziglione, “Origin of the Osage Mission.” Published in the *Osage Mission Journal*, July 1, 1869.

⁵²⁸ This is the criticism raised by Rollings in *Unaffected*. While not denying that many Osage received baptism and the sacraments, he insists that they never accepted Catholic doctrine.

⁵²⁹ Allan Greer is certainly right to insist that all such attempts are “ahistorical.” As he writes, “Instead of trying to place them on some sort of single scale of tolerance and intolerance, we might better recognize the

would say “Whether the labors and expenses undertaken by the Mission for the civilization have been of real utility to the Indian, I do not now intend to discuss.”

What I would like to do, however, in conclusion is propose that instead of looking for either “success” or “failure,” our analysis should be concentrated on the manner in which Osage people and the Jesuit fathers were able to find common ground, to understand each other, and thus reach some degree of cultural accommodation. This is exactly what the Protestant Mission was not able to do. And it was for this reason that their Mission failed. The Presbyterian missionaries preferred to live within their own cultural and social environment, expecting the Osage to join them. This was even true in terms of language—in the beginning they concentrated their efforts on teaching the Osage English and did not devote time or energy to learn the Osage language. When they realized their mistake and appointed a few men to learn the language, these men were never able to master it. The reason lay in their unwillingness to adapt their cultural mindset to that of the Osage. The missionary, Rev. Pixley, complained, “In order to learn it (the language) advantageously, we are reduced to the disagreeable necessity of living

fundamental discontinuity between their way of thinking about cultural differences and ours.” See Allan Greer, editor, *The Jesuit Relations: Natives and Missionaries in Seventeenth-Century North America* (Boston & New York, 2000), p. 17.

among the Indians, wandering with them, and in a manner, adopting their habits.”⁵³⁰ That the Osage understood the deep revulsion felt by the missionaries is revealed in their oft-repeated suggestion that perhaps the Christian religion was created for white people and did not apply to them.⁵³¹

It is undeniable that the Jesuit Fathers were as convinced of their own cultural superiority as Pixley. Remember, it was Fr. Bax who reported upon first seeing the Osage that he had been sent to a “most savage part of the Lord’s vineyard.” Like the Presbyterians before them, they came with their pre-conceived plans to turn “savage Indians” into “Christian Americans.” Fr. Quickenborne promoted the “Paraguay Plan” which envisioned establishing convert couples in “Christian villages” where they could raise their children on farms far from the influence of their still-pagan relatives. When the Jesuit fathers arrived in 1847, they came with a similar idea. The lay-brothers were given the responsibility of teaching Osage men how to survey individual farms and then plow, plant, and harvest the fields. In 1848, with funds supplied out of the Osage fund by the U.S. government, these brothers oversaw the construction of log-

⁵³⁰ “Annual report to the Secretary of War: Union, Osage Nation, October 1, 1823,” *American Missionary Register* 5 (March 1824), p. 79.

⁵³¹ Mr. Montgomery, “Great Osage Mission: Extracts of Letters, December 3, 1821,” *American Missionary Register* 2 (March 1822), p. 353.

houses for individual Osage families. The homes were placed on surveyed fields, far enough apart from each other to allow for farming, and were well-stocked with European furniture and “modern” agricultural implements. The Osage responded to these efforts as they had to the previous labors of the Protestants. Osage women made a game out of moving the brothers’ surveying stakes behind their backs and several Osage chiefs were able to collect valuable goods from westward bound settlers by selling all the furniture and agricultural implements in their “houses.” The houses then sat empty and unused until they were destroyed one by one by the annual prairies fires that lit the sky in southeast Kansas.

It was the response of the Jesuit fathers to these “failures” that distinguished them in the eyes of the Osage and saved their Mission. Instead of continuing their attempt to force the Osage to change their entire way of life to match their own, the Fathers adapted both their message and their methods. James Moore notes, “Jesuit missionaries ... were willing to accept the principle of accommodation, a principle they applied more to themselves than to the Indians.”⁵³² Certainly, this willingness to adapt was rooted in Catholic theology. But it also should be noted that the Jesuit fathers were themselves immigrants to the United States from Belgium. Their experiences of cultural change had

⁵³² James Moore, *Indian and the Jesuit: a seventeenth century encounter* (Chicago, 1982), p. xi.

undoubtedly taught them to be both flexible and open in their interactions with others.⁵³³

In doing so, they were realistic in both their goals and aims. As Fr. Paul Ponziglione wrote, “We know this much from the perusal of ancient history, that to bring aborigines from their state of barbarism to a degree of civilization, and next make of them good Christians, has never been the work of a few years only, but of centuries.” As a result, the Fathers were willing to make certain “compromises” with Native culture. They did not insist that the Chiefs divorce their multiple wives nor did they maintain that the men must take up farming or that the women must adopt European clothing. The Jesuit fathers supported the Osage in their feast making—it was Fr. Schoenmakers’ habit to give them a cow or calf for their annual all-night dances. In other words, they did not expect the Osage to become “Europeanized” but were content to teach them certain basic truths and allow the Osage to come to their own understanding of the implications of those truths for their way of life. As Fr. Ponziglione explained, “We dare to say that the Mission established by the Catholic Church among the Osages in 1820 and continued to this day, has been of great benefit to humanity at large, for it has kept them from ravaging the neighboring settlements, gave them an idea, at

⁵³³ I am thankful to one of the reviewers of this article for this insight.

least, of honor and righteousness, and inculcated upon their youth the importance of Christianity.”⁵³⁴

Perhaps more importantly, given their organic understanding of the Church and their sacramental understanding of its theology, they did not conceive of “conversion” as only an exchange of one intellectual set of propositions for another. A Christian did not only believe a certain set of abstract propositions, but she followed an entire way of life centered in the performance of a series of external rituals. This view of religion was understandable to the Osage. For the Osage, religion was primarily a set of actions rather than a set of formulaic beliefs. This perspective rendered them culturally unable to access the Protestant worldview with its almost exclusive emphasis on propositional truths and the written “Word.” As Hollings has written, “Nineteenth-century New England Protestantism ... as entirely an intellectual exercise ... had simply nothing to offer nineteenth century Osage.” The Osage did however have points of contact with elements of Roman Catholic spiritual experiences. “Both the Osage and Roman Catholics shared a visual religious culture. They shaped their religious thoughts and beliefs visually, and expressed their spiritual beliefs with elaborate

⁵³⁴ Fr. Paul Ponziglione, “Origin of the Osage Catholic Mission.”

ceremony.”⁵³⁵ It was in the arena of this mutually shared sacramental worldview that the Osage and Catholics met.

Undoubtedly, the Osage were attracted to the external ceremonies and rituals of the Catholic faith without fully understanding their meaning; they also did not believe the adoption of Catholic rituals necessitated the rejection of their own older and more ancient rituals. The Jesuit Fathers were aware of this and frequently lamented the Osage practice of intermingling rituals and practices. At the same time, however, they also continuously looked for signs of similarities between the Osage religious traditions and their own and sought to build on these. As Peter Goddard explains, “Jesuit missionaries attempted to bridge from Indian experience to Christian truth, responding to the Ignatian injunction to find God in all things.”⁵³⁶ For example, the missionaries, detecting that the natives did not use “idols” in their worship, were convinced that the Osage instead practiced an ancient form of monotheism. Noting the Osage practice of regulating prayer by the hours of the day, they likened it to the Catholic Liturgy of the Hours. Fr. Paul Ponziglione even suggested that the Osage believed in a primitive expression of the doctrine of the Incarnation. Observing the ceremonial sacrifice of a bat in

⁵³⁵ Hollings, *Unaffected*, p. 156.

⁵³⁶ Peter Goddard, “Two Kinds of Conversions among the Hurons,” in James Muldoon, *Spiritual Conversion*, 70.

their annual rituals, he suggested that the ancestors of the Osage, “hearing of the coming of the Redeemer in whom were to be united two different natures,” chose the bat because “as a bird it represented the Divinity; as a mammal the Humanity of Christ.”⁵³⁷ Obviously, he was neither a trained anthropologist nor competent zoologist, but what is striking is his intent to find parallels wherever he could. To us today, some of these attempts seem almost comical; as for example, the suggestion by Ponziglione that the Osage at one time knew the entire book of the Psalms but had lost them because they had neglected to remember the tonal system in which they had been chanted.⁵³⁸ What is important, however, is that the Fathers looked for similarities and sought to find points of contact between Osage belief and practice and their own.⁵³⁹

⁵³⁷ Father Paul Mary Ponziglione, *Missionary Chronicle*, Vol. 2, p. 58-59.

Quoted by Fitzgerald, *Beacon*, p. 25.

⁵³⁸ Fr. Paul Mary Ponziglione, “Western Missionary Journals,” Vol. 7: pp. 4-5. Father Ponziglione’s handwritten journals covering August 11, 1867 to February 20, 1898 are archived at the Midwest Jesuit Archives at St. Louis University (St. Louis, MO).

⁵³⁹ Carole Blackburn has noted the tension in Jesuit missionary activity among Native people between “a policy of coercion” and “one of relative accommodation.” The net result of this was “a complex and contradictory

As Richard White has written, however, for an effective middle ground to develop, both parties must seek something advantageous from the relationship.⁵⁴⁰ It would be a fundamental mistake, and a continuation of a Euro-centric historical model, therefore, to cast the reasons for the existence of mutually beneficial negotiated relationship as being entirely dependent upon the Jesuit fathers, for there can be no doubt that the Osage were creative active agents in the developing relationship. They needed the Jesuit fathers; they realized that the changing and ever-evolving historio-cultural matrix in which they found themselves necessitated adaptation to American cultural ways. In seeking Roman Catholic rather than Protestant missionaries, they chose the route that seemed most conducive to their desire to retain as much as possible of their ancestral ways. I have already suggested a few reasons for this choice: their long and profitable

process, in which the distinctions between Christian civilization and savagery were identified and defined in terms that were often rigid—but were then blurred through the course of attempted conversion and the accidents of translation.” See Carole Blackburn, *Harvest of Souls: The Jesuit Mission and Colonialism in North America, 1632-1650* (Montreal & Kingston, 2000), pp. 131-33.

⁵⁴⁰ See Richard White, *The Middle Ground: Indians, Empires and Republics in the Great Lakes Region, 1650-1815*. (New York, 1991).

relationship with the French, the celibacy of Roman Catholic priests and the sacramental spiritual cultures shared by both peoples.

In conclusion, I would like to suggest one more. The Osage were masters of the art of negotiation. Forced to live “in-between” competing European imperial powers, they had honed this mastery over centuries. They had cleverly strengthened their position vis-à-vis these powers and the surrounding Native peoples by selectively choosing (and un-choosing) alliances. Thus, as the American hegemony spread over the Plains, the Osage looked to find the “in-between” position and then to exploit this to their own advantage. In the nineteenth century, Roman Catholicism represented their best chance to do this. Roman Catholics occupied an ambivalent social and cultural position within the predominantly Protestant world of the nineteenth century United States. It was this ambivalent position that most attracted the Osage. To ally themselves with the Roman Catholic hierarchy and in a sense to come under their protection allowed them the best opportunity to continue their long-standing tradition as the “People of the Middle Waters.”

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2 *U. S. Stat.*, 729-30.

3 *U. S. Stat.*, 332.

9 *U. S. Stat.*, 125-6, 520.

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